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Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of time and eternity, we praise and honor Your Name. You give strength and hope to the weary. You are more than we can comprehend, yet You dwell with those who have contrite spirits.

Bless the Members of this body. Keep them steadfast and always excelling in the things that glorify You. Remind them that those who serve You will not labor in vain.

Although we do not know what this day will bring, we trust You to use us as instruments of Your will. Consecrate our actions with the power of Your love.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 4, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, at 10 a.m., we will proceed to a vote on the confirmation of Michael Chagares to be a U.S. circuit judge for the Third Circuit.

Following that vote, we will resume debate on the border security bill. We have four first-degree amendments pending to the bill at this time, and we expect to begin votes on those amendments today. The chairman is ready to dispose of those amendments so that we can consider additional amendments to the bill. This is the final week before the Easter break. However, I believe it is ample time to consider this bill, if we get everybody's cooperation and participation. If we can consider amendments under reasonable time agreements, then we can make substantial progress each day and evening in order to finish our work on the bill. Having said that, we will have votes each day this week, with late-night sessions possible as we move forward on the bill.

TENNESSEE STORMS

Mr. FRIST. Mr. President, on Sunday evening, severe storms and tornadoes struck the western part of Tennessee, leaving a damage trail 25 miles long and a quarter to a half mile wide throughout Dyer County. It really struck two counties, Dyer and Gibson. The assessment is underway. About 2,000 homes and businesses have been destroyed or suffered substantial damage, a devastating blow to these small rural communities which have suffered the greatest impact from the storm. There have been reported 23 fatalities that have been confirmed as a result of the tragedy. A number of other Tennesseans—right now, the count is roughly 82—have been injured, 17 critically. This morning, I offer my deepest sympathy to the loved ones, the families that have been affected. My thoughts go out to those recovering from these unforeseen events.

Governor Bredesen has requested a major disaster declaration for the State, and yesterday I asked the President for expeditious review and approval of Tennessee's request for assistance. I spoke yesterday with the Acting Director of FEMA, David Paulison, as well to express my strong support for the State's request. I will continue working with the administration and my colleagues in the Tennessee delegation to ensure State and local officials have the resources they need to assist our communities.

Again, our thoughts and prayers go out to all of the families affected.

IMMIGRATION REFORM

Mr. FRIST. Mr. President, I wish to comment on the immigration reform debate. Our borders are dangerously porous, and our immigration system is flatout broken. That is why it is so important for us to debate and focus on the issue of immigration reform and to bring that debate to closure over the course of this week. It is my hope that by Friday we will have a bill that is fair and equitable, that gives priority to our security concerns and at the same time respects America's strong and proud immigrant tradition. We are a nation of the rule of law and a strong nation of immigrant heritage.

Last October, I met with a number of Senators, including Senators CORNYN and MCCAIN, to discuss my intention to bring the immigration issue to the floor this spring. Why? Because the system is broken. There are millions of people coming across our borders, 25 percent growth last year in illegal immigrants coming across our borders. It is broken. It is broken at the borders, in the interior. And our temporary worker program is broken.

I laid out at that time a specific plan for border security where we had broad agreement and then build on the consensus of border security with a comprehensive approach that included what happens on the interior; that is, the worksite, workplace enforcement, as well as, in the third dimension, fixing the temporary worker program.

Over last week and the first part of this week, we have followed the plan laid out last October. We started with strong border control and expanded to interior and worksite enforcement, as well as what I hope will be a fair, equitable, commonsense temporary worker program. All three elements are necessary.

I am optimistic that by staying focused and by working together—again, this is not a partisan issue, as the Democratic leader knows in talking to his caucus and as I know in talking to my caucus, this is not a Republican or Democratic issue; it is a challenge for all of us to put together a workable, realistic immigration reform bill—we can forge a plan that deals effectively with our national security, that protects the rule of law, and that recognizes that our economic interests can be reflected in strong legal immigration programs.

What we cannot support, however, is amnesty. To me, amnesty is when you give someone who has clearly broken the law a leg up on the pathway to citizenship. Giving illegal immigrants a special path to citizenship essentially rewards people who have broken the law. It simply doesn't make sense when you have other law-abiding people around the world who are being disadvantaged. You are punishing people who follow the law. To give amnesty, as we did in the 1980s and as some propose to do today, simply sends a strong signal to the world or to anybody who would like to come to America that they don't need to obey the law; if you sneak into this country, eventually there is going to be another round of amnesty. That aggravates the problem. It creates a magnet to attract people to this country illegally.

Twelve million illegal immigrants now reside in the United States. We hear the figures—11 million, 12 million, or is it 21 million? We don't really know because they are illegal immigrants. We don't know what their names are. We don't know where they are. We don't know exactly what they are doing. One of the goals has to be to bring them out of the shadows.

What has become increasingly clear from our discussion in the Senate is that this is not a monolithic group, these 12 million people. Forty percent have been here longer than 10 years. In all likelihood, they are much better assimilated, maybe fully assimilated into our society today. Forty percent have been here less than 5 years. It may be that we will need to break down this group and look at it. Maybe the 40 percent who have been here for greater than 5 years should have some access to a green card, and the 40 percent who have only been here a few months or maybe even a couple years could be dealt with differently. It is not a monolithic group. A successful, realistic immigration program has to acknowledge the different groups and treat them accordingly. Only then do I believe that we can succeed in getting the 12 million people out of the shadows, encouraging them to identify themselves and then function within the system.

In addition, I support a strong and fair temporary worker program that allows people to fill what employment needs we have, to learn a skill, to send money home, to return to their hometowns to help build and develop their communities. As I said last October, we need this three-pronged approach which begins with border security, strengthens workplace enforcement, and offers a fair and realistic temporary worker program for the hard-working men and women who come to this country to earn for their families back home. All three elements are vital. All three require action. Only a comprehensive approach will fix this broken system.

I look forward to continuing our debate this week. I am optimistic that by working together and applying a little common sense, we will come up with a plan that gets the job done and makes America safer and more secure.

Mr. DURBIN. Mr. President, I would like to respond briefly to the majority leader.

Pending before the Senate is a historic piece of legislation, maybe one of the most important bills we have considered in years. We are trying to fix a broken immigration system. It is entirely broken. Everyone concedes that our borders are out of control. At this point, we cannot control the flow of people across our borders, and we have no idea who is coming and going and staying in America. We couldn't afford that in normal circumstances. We can't afford it, certainly, when we are facing a war on terrorism where security is paramount.

The bill we have before us says: Let's fix the borders. Let's make sure we have the appropriate number of officers on the borders, the technology so that people are not coming across illegally. Let's do it right.

After 5 years of failure under this administration, we need to have borders that are better and stronger, and we need to know who is coming.

Secondly, we have to acknowledge that there are 11 or 12 million people in America who are not legally recognized. They are here. They are working every day. They are an important part of our economy, but they are not legally recognized. The question before us is, How do we bring them out of the shadows to the point where we know who they are, where they live, and where they work? The only way to do that is to create an opportunity for them to reach legal status. But it is something they have to earn, not just automatically, not amnesty, no free ride. Don't put them in the front of the line but say to them: If you are willing to struggle hard for 10 or 11 years and meet those requirements, we will give you a chance for the legal pathway to citizenship. That is what this bill is all about.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MICHAEL A. CHAGARES TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session.

The clerk will report.

The legislative clerk read the nomination of Michael A. Chagares, of New Jersey, to be United States Circuit Judge for the Third Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided for debate.

Mr. LAUTENBERG. Mr. President, I rise to express my support for the confirmation of Michael Chagares to a seat on the U.S. Court of Appeals for the Third Circuit.

A Federal judge must be fair, impartial, and well-qualified. I strongly believe that if you look at Mr. Chagares' record and his appearance before the Senate Judiciary Committee, it is obvious that he is the right person for this assignment.

Mr. Chagares is currently in private practice, but he served in the U.S. Attorney's office in New Jersey for 14 years.

Through hard work and diligence, he rose to become the head of the civil division, where he supervised and managed all civil cases on behalf of the United States Government, its agencies and officials. He oversaw litigation, directed legal positions to be taken in court, and approved settlements.

Before he became head of the civil division, Mr. Chagares directed the Affirmative Civil Enforcement Unit of the U.S. Attorney's Office for several years. During his tenure in the U.S. Attorney's office, Mr. Chagares received a

number of awards and commendations, including two director's awards for superior performance as an assistant U.S. Attorney.

Mr. Chagares is a graduate of Seton Hall Law School in Newark, where he has also taught as an adjunct professor since 1991.

His familiarity with the Third Circuit goes back to the late 1980s, when he worked as a law clerk for the honorable Morton Greenberg.

The Third Circuit is based in Philadelphia, and it considers appeals from Federal district courts in Pennsylvania, New Jersey and Delaware. It is a vitally important court, and his is an important seat, as he will replace Michael Chertoff, who left the court to serve as Secretary of the Department of Homeland Security.

I hope my colleagues agree with me that Mr. Chagares is more than qualified for this position, and I hope they will join me in voting for his confirmation.

Mr. LEAHY. Mr. President, this morning, the Senate will confirm Michael Chagares to a lifetime appointment to the U.S. Court of Appeals for the Third Circuit. This confirmation will bring the total number of judicial appointments since January 2001 to 235, including the confirmations of 2 Supreme Court Justices and 44 circuit court judges. Of course, 100 judges were confirmed during the 17 months when there was a Democratic majority in the Senate. In the other 45 months, under Republican control, only 135 judges have been confirmed. Ironically, the Senate was almost twice as productive under Democratic leadership as under Republican leadership.

Recently, President Bush withdrew the nominations of Judge Henry Saad to the Sixth Circuit Court of Appeals and Judge Daniel P. Ryan to the Eastern District of Michigan. These withdrawals are long overdue and bring to a close a sad chapter in history of judicial confirmations when the President and the chairman of the Judiciary Committee ignored opposition to nominations by the home State Senators.

Even with negative blue slips opposing the nominations in 2003 from the home State Senators, the former Judiciary Committee chairman took the position to ignore them and proceed with hearing and to force the Saad nomination through the committee on a party-line vote. That was the first time the committee voted on a nominee with two negative blue slips and it may have been the first time any chairman and any Senate Judiciary Committee proceeded with a hearing on a judicial nominee over the objection of both home State Senators. It is certainly the first time in the last 50 years, and I know it was the first time during my 32 years in the Senate.

When Chairman HATCH chaired this committee and we were considering the nominations of a Democratic President, one negative blue slip from one home State Senator was enough to doom a nomination and prevent a hearing on that nomination. Indeed, among the more than 60 Clinton judicial nominees who this committee did not consider there were several who were blocked in spite of the positive blue slips from both home State Senators. So long as one Republican Senator had an objection, it appeared to be honored, whether that was Senator Helms objecting to an African-American nominee from Virginia or Senator Gorton objecting to nominees from California.

The blue-slip policy in effect, and enforced strictly, by the Republican chairman during the Clinton administration operated as an absolute bar to the consideration of any nominee to any court unless both home State Senators had returned positive blue slips. No time limit was set, and no reason had to be articulated. Remember, before I became chairman in June of 2001, all of these decisions were being made in secret. Blue slips were not public, and they were allowed to operate as an anonymous hold on otherwise qualified nominees. In the 106th Congress alone, more than half of President Clinton's circuit court nominees were defeated through the operation of the blue slip or other such partisan obstruction.

Perhaps the best documented abuses occurred in the Sixth Circuit, when the nominations of Judge Helene White, Kathleen McCree Lewis, and Professor Kent Markus to that court were blocked. Judge White and Ms. Lewis were themselves Michigan nominees. Republicans in the Senate prevented consideration of any of President Clinton's nominees to the Sixth Circuit for years. When I became chairman in 2001, I ended that impasse. Under Democratic leadership, in spite of the abuses by Republicans, we proceeded to consider and confirm 2 nominees to the Sixth Circuit among the 17 circuit judges we were able to confirm in our 17 months. We have continued to confirm judges, and the vacancies that once plagued the Sixth Circuit have been cut dramatically. Where Republican obstruction led to 8 vacancies on that 16-judge court, Democratic cooperation has allowed these vacancies to be filled and only 2 remain. The Sixth Circuit currently has more judges and fewer vacancies than it has had in years.

Ignoring the opposition of Michigan's Senators, President Bush renominated Judges Saad and Ryan in 2005 rather than nominate consensus nominees for those vacancies that could be easily confirmed. In fact, Judge Ryan's nomination was not withdrawn until last week even though he received a majority ''not qualified'' rating from the American Bar Association in March 2005. I look forward to the White House reconsidering its confrontational posture and working with the Senate to send to the Senate well-qualified nominees who can be confirmed with the support of Michigan's Senators.

These are not the only nominations the President has withdrawn recently. Last month, the President also withdrew the nomination of James Payne to the Tenth Circuit Court of Appeals after information became public about that nominee's rulings in a number of cases in which he appears to have had a conflict of interest. Those conflicts were pointed out not by the administration's screening process or by the ABA but by online journalists.

As I discussed last month, at a minimum that case and the other withdrawals reinforce concerns about this White House's poor vetting process for important nominations which became apparent with the withdrawals of Bernard Kerik to head Homeland Security, Harriet Miers to the Supreme Court, and Claude Allen to be a Fourth Circuit judge. It was not the administration's vetting but reporting in a national magazine that doomed the Kerik nomination. It was opposition within the President's own party that doomed the Miers nomination. Democratic Senators resisted the nomination of Allen, a Virginian, because the President was seeking to appoint someone from another State to a Maryland seat on the Fourth Circuit. Unfortunately, rather than being thorough in selecting lifetime appointments of judicial officers who are entrusted with protecting the rights of Americans, all too often this White House seems more interested in rewarding cronies and picking political fights.

As today's confirmation demonstrates, Democrats in the Senate cooperate with this White House when it focuses on sending the Senate qualified consensus nominees. Unfortunately, as the recent withdrawals demonstrate, this White House too often does not want to cooperate with us.

I congratulate the nominee and his family on his confirmation today.

Is all time yielded back on the nomination?

Mr. DURBIN. I yield back all time on the minority side and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Michael A. Chagares, of New Jersey, to be United States Circuit Judge for the Third Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. COCHRAN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 86 Ex.]

YEAS—98

Akaka	Domenici	McCain
Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Allen	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Nelson (NE)
Bingaman	Graham	Obama
Bond	Grassley	Pryor
Boxer	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Harkin	Roberts
Burns	Hatch	Salazar
Burr	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Cantwell	Inouye	Schumer
Carper	Isakson	Sessions
Chafee	Jeffords	Shelby
Chambliss	Johnson	Smith
Clinton	Kennedy	Snowe
Coburn	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden
Dole	Martinez	

NOT VOTING—2

Cochran Rockefeller

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. KYL. Mr. President, I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. Without objection, under the previous order, the President shall be notified of the Senate's action.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, we have a number of people who want to speak on both sides, and the distinguished chairman is here. I was going to ask unanimous consent—let me discuss one thing first before I do—to first allow the two distinguished Senators from Florida to speak briefly on a matter not involving immigration but involving——

Mr. CRAIG. Does that have to do with basketball?

Mr. LEAHY. A group by the name of the Gators.

But before they do that—I hope to maybe go back and forth—I would like to ask to be able to lock in on this side, realizing that we will probably go the traditional way, back and forth on the bill on both sides, that it would be Senators NELSON, MENENDEZ, LIEBERMAN, SALAZAR, DURBIN, and KENNEDY.

What I was going to recommend is we ask people to be able to speak in 15-minute blocks, each one of them speaking for 15 minutes, realizing that if we work it this way, I would imagine the distinguished chairman would want 15 minutes on his side, and go back and forth.

So I would propound that following discussion by Senators NELSON and MARTINEZ, recognizing the significant accomplishment for Florida, we have 15 minutes a side for discussion and that the Senators on our side in the slotted times be Senator NELSON of Florida, Senator MENENDEZ, Senator LIEBERMAN, Senator SALAZAR, Senator DURBIN, and Senator KENNEDY.

Mr. SPECTER. Mr. President, reserving the right to object, and I may well object, the question that comes to my mind is, When are we going to proceed to consider amendments and try to move the bill? When the distinguished ranking member says to give the chairman a chance to speak—I have spoken enough. We went on this bill on Wednesday afternoon and we spoke all day Thursday, and there weren't too many speakers around on Friday, but there was an opportunity to speak. And we were here yesterday afternoon, and not too many speakers pursued an opportunity to speak.

So the question that I have—and perhaps I can better talk to Senator LEAHY about it privately—when are we going to move to amendments? We need to finish this bill this week, and I would like to move to amendments.

Mr. LEAHY. Mr. President, I have the floor.

Mr. SPECTER. Wait a minute. I don't know who has the floor, but I will yield to you.

Mr. LEAHY. No, no. Finish what you were saying.

Mr. SPECTER. Mr. President, Senator KYL is ready to offer an amendment. Senator ALLARD is ready to offer an amendment. I see Senator KENNEDY with his portfolio; maybe he has an amendment. I would like to move to amendments to try to move the bill.

Mr. LEAHY. Mr. President, I know there are amendments on both sides. I have already stated my admiration for the way the Senator from Pennsylvania moved this bill through the committee and on to the floor. I would like to have finished the bill last week, and I share his sense of urgency to finish. I suspect there will be discussions about this in both the caucuses this noon. I wonder if possibly the Senator from Pennsylvania and I, and whomever else he would like, could try to sit down and work out an order for amendments so that we can move forward. But that probably will not happen until after the caucuses, and I thought we could at least have others speak. I have spoken, and I will include another statement for the legislative record this morning. But I think if we get Senators down here to talk about it, we can also work out the time for amendments.

Mr. KYL. Mr. President, would the Senator from Vermont yield for a question from me regarding this unanimous consent request?

Mr. LEAHY. Of course.

Mr. KYL. That would not preclude the offering of an amendment by unanimous consent?

Mr. LEAHY. Mr. President, for offering an amendment, it would require, of course, unanimous consent. I have not included, just because it gets too complicated—that is why I wanted to work out with the distinguished chairman when such amendments might be offered. It would allow Senators to speak, but any Senator speaking, if they wanted to offer an amendment, would still require unanimous consent then. Rather than trying to micromanage this all the way down the line, I will let each Senator make that request.

Mr. KYL. I thank the Senator. I just wanted to get an amendment pending but not to speak on it.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SPECTER. Mr. President, we are only going to move ahead if we come to an understanding; I recognize that. If the Senator from Vermont wants to have a speaking sequence, I will not object, and we can retreat from here into his cloakroom to try to figure out when we are going to move the bill. We are giving up almost 2 hours; perhaps we can work this evening to make up that time.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLARD. Mr. President, I have an amendment I am ready to offer, and I would like to speak to that amendment. So the way the agreement is being put together now, I will be expected not to offer that amendment until after we have had more discussion between both sides; is that correct?

Mr. SPECTER. Mr. President, I think Senator ALLARD accurately states it. When he has his 15 minutes, nothing will stop him from talking about the amendment.

Mr. LEAHY. That is right.

Mr. SPECTER. And he can lay the groundwork so that when he does offer the amendment later, he will not have to speak quite as long.

Mr. LEAHY. Mr. President, the Senator from Pennsylvania states it accurately. A number of Senators, I suspect, on both sides are going to talk about amendments they intend to offer. Unanimous consent will not be given for anybody to offer an amendment on either side during this time, but I would encourage Senators to talk about the amendments they intend to offer.

Mr. KYL. Mr. President, I object to the request.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. LEAHY. Mr. President, any Senator can object. I have been told that there are those on the Republican side who would object to a Democrat offering an amendment, so I suspect there would be similar objections here. But any Senator can speak about his or her amendment. Any Senator can offer an amendment. Any Senator can make an objection. But insofar as there are going to be objections on the Republican side to some Democratic amendments, and vice versa—there is a

Democratic amendment pending, of course, that of Senator MIKULSKI—I thought, until we get to the caucus, at least we could accomplish something by talking about the amendments we want to offer.

I will again make a unanimous consent request that after the two distinguished Senators from Florida speak about the Gators, there be 15 minutes a side to talk on the bill or amendments Members wish to offer. And if we do that, again, I realize we would alternate. On the Democratic side it would be Senator NELSON of Florida, Senator MENENDEZ, Senator LIEBERMAN, Senator SALAZAR, Senator DURBIN, and Senator KENNEDY.

I renew that request.

Mr. KYL. Mr. President, might I direct an inquiry to the Senator from Vermont?

Mr. LEAHY. Certainly, Mr. President.

Mr. KYL. If the Senator from Vermont would agree to have the two Senators from Florida speak to their State's accomplishment, as you noted it, perhaps we could then work out the rest of it. I simply have an amendment I want to lay down and not to speak to it, but I hope nobody would object to that. That is what I wish to discuss with the Senator. Can we amend the unanimous consent request to get the conversation started and we can go back and see what we can work out to accommodate Senators?

Mr. LEAHY. Mr. President, I ask unanimous consent the two Senators from Florida be allowed to speak at this point about the Gators as in morning business, but I will then again request at least on our side we have an order of speakers as I have noted.

I ask unanimous consent now simply that the two distinguished Senators from Florida be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Florida.

CONGRATULATING THE FLORIDA GATORS

Mr. NELSON of Florida. Mr. President, for anyone who watched on national TV or was privileged to be there in Indianapolis to see the game, there is a profound respect that is now accorded to the University of Florida Gators basketball achievement of being the national champions.

What teamwork. What individual accomplishment. But in that individual accomplishment, what teamwork. For all of that, certainly, a great deal of credit has to be given to the coach.

Florida has long been known as a football powerhouse. But the basketball coach of the University of Florida has now made it, in athletic history, a basketball powerhouse.

Floridians are celebrating this morning, as they have celebrated throughout the night, and with just occasion. The Florida Gators, coming in, were not at the top seed. Indeed, at the beginning of the season the Florida Gators were not even ranked. Yet this incredible talent, all melded together in extraordinary teamwork, has produced a national champion.

This Senator joins with my colleague from Florida and we offer our heartiest congratulations. Later in the day we will be jointly offering a resolution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I join my colleague from Florida in congratulating the University of Florida, the Florida Gators, Jeremy Foley, the athletic director, Billy Donovan, the brilliant head coach, and all the members of that very distinguished team in their first historic national championship in basketball for a Florida school.

As a dyed-in-the-wool Florida State Seminole, I must say I take my hat off to the Gators. Today is a day for all Floridians to rejoice in this accomplishment and this victory.

In this accomplishment we have seen not only the magnificent leadership of the coach—and I think he ought to be recognized nationally for that—but also this team that worked and performed in such an unselfish way. We hear the phrase, ''they were an unselfish team.'' In this day and time, when it is the ''me'' culture—so much of it is about me, me, me—these guys played as a team. They passed the ball to each other, they contributed as a team, and all were able to make a contribution. The average margin of victory in the tournament was 16 points, which speaks volumes for this very tremendously competitive tournament.

But focusing on Billy Donovan, he is only 40 years old and is now competing in his second National Championship game—the unusual feat of doing it as a player with Providence and now doing it as a coach for the University of Florida. John Wooten, the much heralded and historic coach at UCLA who actually led the Bruins to victory against Florida State in 1972 in the final game, was at UCLA for 15 years before he won his first national title. Billy Donovan is way ahead of that mark.

Today is a terrific day to rejoice, for all Floridians to rejoice for this great accomplishment of teamwork, of a job well done. I will be very happy to join with the senior Senator from Florida in a joint resolution that we will make part of the record.

I want to make sure all in Gainesville and throughout the State know how proud we are here in the Nation's Capitol of the accomplishment of those young men who played so well and displayed such good sportsmanship and unselfishness.

I yield the floor.

SECURING AMERICA'S BORDERS ACT—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, now that we are back on the immigration bill, I thought I might for a few moments discuss in general some of the provisions in it that I think are extremely important and that are being discussed by a good number of my colleagues. I understand the Senator from Colorado wishes to discuss in general an amendment he will offer later. I hope no one would object to that because it does not actually offer the amendments but allows the debate to move forward while the chairman and the ranking member are determining the schedule of events here.

Mr. LEAHY. Mr. President, will the Senator from Idaho yield, without losing the floor, for a suggestion?

Mr. CRAIG. I yield for that purpose.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, may it be in order to ask consent that when the distinguished Senator has finished speaking, the senior Senator from Florida be then recognized to speak, all sides retaining their rights, of course, on the offering of amendments?

Mr. CRAIG. With the understanding following that the Senator from Colorado will be recognized? Does that fit his schedule?

Mr. ALLARD. That will work out fine for me.

Mr. LEAHY. I ask further consent that following the distinguished Senator from Colorado the distinguished Senator from New Jersey, Mr. MENENDEZ, be then recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, for at least a few moments this morning, we have an order to continue discussion on this critically important legislation. Let me say in general that S. 2454, attempting to be a comprehensive reform of national immigration law, setting forth very strict border control efforts, authorizing tremendous expenditures for the purpose of controlling our borders, is a bill that finally is awakening the Senate. Some of us have been engaged in the debate on immigration for a good number of years, but many of my colleagues have, for whatever reason, chosen not to be. They are busy. But there is no question in my mind and I think the minds of almost every Senator today that the American people have said immigration reform is a priority, border control is a priority: Congress, get with it. We no longer can, nor should we, tolerate within our boundaries whatever that number is—7 million, 8 million, 9 million? If you want to listen to Lou Dobbs on television, he will say it is 20 million. Lou Dobbs doesn't know, nor do we know, exactly how many undocumented foreign nationals are here.

We do know some fundamental basics. If we do not control our borders, if we do not control in-migration, in time we can lose our character as a country. We are a nation of immigrants and we are proud of it. We are, as has been said by many, over a historic period of time, a melting pot of the world. It has proved us as a nation to be unique. It has given us our strength. It makes us something no other nation is. How many people can become Japanese? How many people can become an Italian? How many people can become a German? Any one of those nationalities can become an American. Why? It is the uniqueness of our country.

But in becoming an American, we have always put parameters around it. We have always said you had to study, you had to learn, you had to move yourself into the American culture and the American dream. You had to have, and we allowed, an assimilation. What we have lost in the last two decades by not controlling our borders is that very assimilation in the style with which it operated in the past.

Many of us, and most Americans, wish to regain that. It isn't that we deny our heritage; we are tremendously proud we are a nation of immigrants. We want to continue that tradition. It is our strength. But in doing so, you control your borders, you control the in-migration, and you do so in an orderly fashion.

If we control our borders, if we are successful in shutting them down and only allowing to move through that which is legal, in an orderly fashion, what do we do then? With the unknown number of some 8 or 10 million foreign nationals who are here illegally, what do we do with them? Mr. President, 99 percent of them are hard workers. Many have been here for years. They are a part of our economy. They are a part of our lifestyle. Most of them are contributors. Very few of them are detractors.

A few are. A few are criminals, and they ought to be arrested, if we can find them, and they ought to be thrown out of the country. But what do we do if we take all the rest and toss them out? Who fills those jobs? Who meets those demands? Who does the kind of work about which the average American citizen today says, ''I won't do that,'' yet it is critically important—for the food on the supermarket shelves of America, for the beds in the resorts and the hotels, for the landscape, for construction, for the oil patch. You name it. Illegal foreign nationals are everywhere in our economy today whether we like it, whether we are willing to admit it. They are here in part because of our negligence, but they are also here because they have been needed, because our economy asked them to come and there were no restrictions for them to gain entry other than to walk across a border that was unguarded and uncontrolled.

In that act they broke the law, our law. This bill tries to fix it. I can't tell you on face value it does. What I do know is it will take billions of dollars and a lot of trained personnel to go job site by job site to secure those who are illegal and to move them through a process toward legality or out of the country. I am not sure we are prepared to do that yet.

I am convinced of one thing: We can control the borders and we should.

Starting nearly 5 years ago, I recognized this in American agriculture because American agriculture came to me. I have worked with them closely on a variety of issues. And they said: Senator, nearly 70 percent of our workforce is illegal and we know it, and it is wrong and we want to fix it because we don't want to be operating on a shaky base. We need these people to pick the crops, to harvest the crops, and to process the crops. We need them on a timely basis. They need to be reliable. The current system is broken and it doesn't allow it. It only identifies 40-some thousand legal agricultural workers a year, and there are 1.2 million that are necessary. The system is broken.

I began to work with them. We worked collectively and came up with a bill. We worked with Democrats and Republicans, House and Senate. We worked with Hispanic groups, we worked with labor unions, we worked with the farm organizations, and we produced a bill known as AgJOBS. We looked at all of the compromises that had to be made. We tried to recognize those who had been here illegally but had been here for a long while, and those who were just coming and going—the day laborers on the Mexican-Arizona-California border who come across to work for the day and go back across at night to their homes.

This is a phenomenally complicated issue. S. 2454 is the bill that I and others crafted known as AgJOBS.

For just a few more minutes, I will walk you through one portion of it. It is a two-part bill.

It deals with those who are currently here working in agriculture, and then it goes over and reforms the H–2A guest worker program, to streamline it, to take out the bureaucracy, to make it function in a way that is the kind of program that many are talking about today, a seasonal worker, guest worker program, to come to work, to go home but to recognize the need to treat those folks humanely, to offer to them the jobs that Americans won't do, to assist where we can, to recognize that our economy needs them and they ought to be dealt with appropriately.

How do we then deal with this 8 million? Let me talk to you this morning not about 8 million but about 1.2 million, just a small window but I believe an opportunity while looking through that window to see what the rest of America is like and in part what those 8 million illegals might be like. It is to recognize them, it is to identify them, it is to have them come forward if they have been here 3 years—since 2003—working and can demonstrate that they worked for 150 days in agriculture and then to allow them to earn the right to stay by continuing to work in agriculture for another 150 days up to 5 years.

It is a pilot program. It allows only 1.2 million during that 5-year period. It allows them to adjust and to gain a blue card—legal working status.

Is it amnesty? Well, somebody will call it that. Others have already called it that. I call it earning a status. They have to pay a fine. They have to pay a $500 fine. They have to have a background check. If they have a legal record of misconduct and criminal conduct, they don't qualify. They will have to be deported.

So there is a true tightening of the relationship with these workers, but it is a clear understanding that those workers are needed and necessary in the workforce. Agriculture, like no other business, is what it is at the time it is. By that I mean when the fruit is ripe, you pick it. If it isn't picked, it rots on the vine.

Much of what we do in agriculture is hand labor. It is intensive, hard work, backbreaking in the hot Sun kind of labor. The average American citizen says: I don't do that kind of work anymore but, oh, do we love the abundance of the supermarket shelf.

There are people who will do that work. Many of them are here as migrant workers, illegal foreign nationals doing just that work. They see it as an opportunity because any job in America is better than an entry job in Mexico. They come here, earn money, and 90 percent of them want to go home after they have earned their money. They go back to their nation, Mexico. They can live better than they have

ever lived because of the money they earned in America—in the United States. But 90 percent of them say: We don't want to become American citizens. We want to come and work. We are Mexicans. We like being Mexicans. We are proud of that.

The story goes on and on. I will spend more time on the details of this issue.

There are those offering amendments to change the AgJOBS provision. Some may pass, I don't know. I believe we have a quality product that has been years in the making, not only before the Judiciary Committee but Democrats and Republicans alike. Farm workers and farm organizations and American agriculture have been meeting for 5 years to try to identify the problem and to correct it. That work effort is here in this bill. It is a quality work effort. It is one that ought to be defended. It is one that clearly recognizes all of the differences in the American economy today and the uniqueness of agriculture.

Let me close with this thought. The average illegal in our country today will say when asked—and they have been asked by people they trust—how long do you stay in an agricultural job? It has been said by some—and I believe it is true because it has been said by those who are here in those jobs—they say: We see agriculture as the door to entry. We stay there a couple of years. We learn the ropes. We get to know your country a little better, and then we go out to other jobs—construction, home building, the service industry and oil patch, and a variety of other areas across the country where day laborers, backbreaking labor, hard labor is required as the uniqueness of that particular place of employment.

So agriculture is kind of the window, the door of entry that many come and work in before they go elsewhere. That is why it is important, no matter what we do, that we try to get this right, to control our borders, to begin to identify where the borders are controlled, where people go, and what our needs are and what their needs are and to treat them appropriately and humanely.

That is the essence of a part of the bill. Other amendments will come as we work through this bill in the coming hours and in the coming days.

To all of my fellow citizens who are listening and watching, the Senate is now focused. You have asked us to deal with immigration in one form or another. There are 100 different ideas on how we get it done, some very Draconian and some very forward-looking. I think AgJOBS kind of fits in the middle. I think it kind of sorts out the problem. It is a realistic, practical approach to identify how the fruit of America literally gets picked in a reasonable, responsible fashion while at the same time treating those who do that work in a humane and appropriate way.

I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, is it my understanding that I will not offer the amendment but will speak on it?

Mr. LEAHY. Mr. President, the Senator from Florida is correct. I am told that amendments will be offered on the side. It would be either the Democrat side or the Republican side. There would be objection but Senators agree to speak about amendments and are encouraged to speak about amendments they intend to offer.

Mr. NELSON of Florida. Mr. President, I thank the Senator. At some point I will be offering amendment No. 3220 and amendment No. 3221. I want to take this opportunity to explain those amendments as we are coming down to the moment of truth and what we are going to do on an immigration bill.

It has been the position of this Senator that we have two goals to achieve. It is essential in immigration reform that we achieve both of these goals. One is the protection of our borders, not only for the purpose of immigration but also for the purpose of protection from terrorists infiltrating the country. The other goal is the protection of our economy.

Where we have in effect American amnesty, as my colleague from Florida has already described, under the existing situation with 11 million illegal aliens or undocumented workers in this country and nothing has been done about it—in effect, amnesty is the de facto situation.

How do you accommodate the economic needs of major industries in this country with the workforce that they need and have 11 million undocumented workers come out of the shadows so that they can have a legal status? That is the balance that we are trying to achieve.

On the one hand, border security, on the other hand, the provision of an economic workforce that will keep the economic engine of this country humming.

I might say that three of the major industries that employ undocumented workers are three big industries in the Presiding Officer's State and in my State of Florida; that is, agriculture, the construction industry, and the service industry, particularly the travel and tourism industry which is very apparent in our States.

Finding that right balance is what this is all about. What I want to do is offer a couple of amendments that will help us enhance our border security provisions more so than the existing committee bill that has come out of the judiciary. Specifically, what I would like to see based on the GAO report and also the inspector general's report, which both recommended that with the enhanced electronic surveillance and new kinds of technological devices such as unmanned aerial vehicles, that we integrate all of this in more of a comprehensive system that can talk to each other.

For example, if we are talking about electronic sensors on a fence, the electronic signal goes off. Instead of that just coming, as the committee bill would provide, to a Department of Homeland Security employee who then would have to notify someone, that electronic signal would automatically be integrated to activate cameras in that particular area. And you would have this integrated technological system. That is one of the amendments I will be offering to automatically activate, in this particular example, a camera to focus itself on the direction of the triggered sensor rather than relying on a DHS employee wasting time trying to find the right spot and focus the camera.

Another example would be to require the sensing equipment on an unmanned aerial vehicle be fully integrated with the systems used by DHS personnel on the ground so the images and the data are sent automatically to multiple ground stations. We have seen in the past where DHS has unsuccessfully exercised its discretion to implement and integrate an automated program as evidenced by the report from GAO and also the inspector general's report. That is why this amendment is going to be necessary to enhance what the Judiciary Committee has already done.

Later on I will offer amendment 3221. This amendment is going to address the problem we have now, which is absolutely inexplicable and inexcusable at what our border people are forced to do. They arrest someone who has illegally come into this country. They arrest them and then release them. Not back in their country of origin; they release them in America. And then guess who doesn't show up when their immigration hearing is called. It defies common sense. This catch-and-release program we have now is not effective or efficient. It is bewildering. In some areas of the border, up to 90 percent of the captured aliens are released after being caught by DHS. Of course, of those 90 percent who are released, only 10 percent appear for their subsequent immigration court hearings. That is simply not acceptable.

How are we going to remedy this? The Judiciary Committee bill started the process. What they are offering is to build some new facilities or detention facilities. The committee does not build enough. What I am suggesting is we build facilities with an additional 20,000 detention beds over and above what the committee is recommending so we can begin to get control, get our arms around this immigration system. If it is not possible for DHS to secure

further detention space quickly enough, this amendment, which I will offer, will require DHS to examine other secure alternatives to detention.

This amendment will also ensure that there are no questions on whether detention facilities are safe, if they are clean, if they are secure, and if they are consistent with DHS policies and consistent with America's tradition of providing secure, safe, clean facilities to people fleeing persecution from other countries.

I will offer two commonsense amendments that my colleagues will accept. Clearly, it is intended as an enhancement to improve the committee bill. Hopefully then we can come out with a good work product and address this immigration chaos we have in this country at this moment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, in this debate on immigration reform, there are three basic goals I have in mind. No. 1, and foremost, I want us to seal our borders. I wish to see us identify the illegal aliens we have in this country. We don't know for sure how many are in this country. We hear a lot of numbers thrown out. Originally it was 8 to 10 million and now it seems the common number being thrown around is 11 million. But when you get right down to it, nobody knows how many illegal immigrants we have in this country. We need to identify those individuals to help reach some reasonable conclusions.

The third goal is to do it in a manner that does not disrupt our economy.

And, finally, I don't believe we should have amnesty.

I have a couple of amendments I am going to be presenting to the Senate. The first amendment is an attempt to put together a plan. We direct the agencies to come together with a plan on how they are going to manage immigration, both from a diplomatic point of view as well as from a border immigration point of view. That particular amendment I hope will be accepted as a managers' amendment. I don't expect it to be controversial.

The other amendment I will talk about this morning I hope to call up later today for a vote. That is amendment numbered 3216. I will not call it up this morning, but I will debate it in the Senate and describe the amendment as to what it does.

I rise today to share with my colleagues six words I believe will be as surprising to others as to me. Those words are ''advocacy of terrorism not always exclusionary.''

Am I reading these from a terrorist handbook? No. Am I reading them from the United States law passed by the Congress and signed by the President? Most certainly not. Am I reading it from a how-to book on exploiting loopholes in the United States visa system? I may as well be.

Colleagues, believe it or not, I am reading from our very own Department of State Foreign Affairs Manual. The same Foreign Affairs Manual issued to the Department's 25,000 employees located in more than 250 posts worldwide. Even more alarming, this is from the chapter that instructs our consular officers to whom visas should be issued.

Visas are, of course, the ticket foreigners, including terrorists, need to enter the United States. This instruction says to the consular officer deciding whether to issue a visa that they need not deny a visa to an individual who advocates terrorism. I, for one, cannot imagine a more pertinent ground for denial. If advocacy of terrorism is not grounds for exclusion, then I don't know what is.

Not only am I concerned about the message this sends to our dedicated consular officers, I am just as concerned about the message this sends to terrorists. It says to them, feel free to lay the groundwork for an attack at home, apply for a visa, and come to America to finish the job. This is not the message the United States should be conveying to terrorists. This Congress has already passed important legislation denying visas to terrorists, including in the PATRIOT and REAL ID Acts. The REAL ID Act, signed into law on May 11, 2005, specifically states one who endorses or espouses terrorist activity is inadmissible. The REAL ID Act became public law on May 11 of last year, 8 days after publication of this manual. Yet today, more than 10 months later, the State Department is still instructing its consular offices that advocacy of terrorism may not be a ground for exclusion.

Certainly, the State Department needs to send a message that we in Congress are serious about securing our borders and particularly serious about preventing known advocates of terrorism, people who are most likely to wish harm to our country, from entering into the United States. Admittance to the United States is a privilege; it is not a right. My amendment says if you advocate terrorism, you lose the privilege of coming to the United States, recognizing, of course, that special circumstances under which someone who meets these criteria may nonetheless need to be admitted. My amendment does nothing to change the authority of the Secretaries of State and Homeland Security in consultation with the Attorney General to waive an individual's inadmissibility when they deem it in the interest of the United States.

I will urge my colleagues to join me in voting for this amendment that slams the door shut on the face of advocates of terrorism who seek to cross the borders into our country.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, from the district I had the honor of representing over 13 years in the House of Representatives, one can see the Statue of Liberty. Ellis Island is a place that has been the gateway to opportunity for millions of new Americans. For me, it is a shining example of the power of the American dream, a place that launched millions down their own road to success.

Like millions of Americans, my own parents came to this country fleeing tyranny in Cuba and searching for freedom. Because of this debate we continue today, this has a special and personal interest to me.

America has a proud tradition as a nation of immigrants and a nation of laws. Unfortunately, our current immigration law and systems are broken and have failed us. We need tough, smart, and comprehensive immigration reform that reflects current economic and social realities, that respects the core values of family unity and fundamental fairness, and that upholds our tradition as a nation of immigrants.

We need to aggressively curtail crossings at the border. We need tough border security and enforcement measures that prevent undocumented immigration so our immigration system is safe, legal, orderly, and fair to all.

Our goal should be neither open borders nor closed borders but smart borders. In a post-September 11 world, our efforts must be tough and swift to ensure the borders of the United States are controlled. Unfortunately, that is not the case right now. We have all heard about and seen what is happening along our borders. Crimes are up in our border communities and overpowering local law enforcement's ability to address these challenges.

So-called ''coyotes'' or human smugglers charge thousands to bring people into this country illegally. Because of this, organized criminal organizations have entered the business of trafficking humans into the United States. In fact, there are reports there is more money in smuggling undocumented aliens into our Nation than smuggling drugs. That is why the first step of any immigration reform proposal must be to secure our lax and broken immigration system.

Our porous and dangerous border and uneven enforcement of our Nation's current laws are significant security risks. Immigration reform is needed to protect America and restore the rule of law.

It is unbelievable, however, under the nature of that reality that when we look at the Clinton administration in 1999, 417 businesses were cited for undocumented immigration violations. If we look at the Bush administration in 2004, only three employers were issued notices by the Bush administration. That is why I support stronger immigration enforcement, not only at our borders but at our workplaces as well.

We must take full command of both human capital and technology to truly secure the borders. This can be done by stronger screening at our consulates and ports of entry, better use of technology, such as unmanned aerial vehicles along our borders, and ensuring that our border agencies have both the

necessary staff and the resources to do their jobs.

Time and time again, we in Congress have passed many of these provisions into law. The question is not whether we will pass them again but whether we will actually provide the funding to make these security improvements a reality.

Over a year and 3 months ago, President Bush signed into law the Intelligence Reform and Terrorism Prevention Act.

I was one of the conferees on that bill. I would remind our colleagues that it contained over 40 sections and 100 pages of immigration-related provisions. These tough but smart, new measures included, among others, adding thousands of additional Border Patrol agents, Immigration and Customs investigators, detention beds, and criminalizing the smuggling of immigrants, just as the 9/11 Commission recommended.

Now, I am sure the American people assume that their Government not only implemented but also fully funded these tough measures to secure our borders and ensure our Nation's safety. Unfortunately, the President and this Congress have chosen not to do so. In fact, as part of the fiscal year 2006 appropriations process, Congress has only funded 1,500 of the 2,000 new Border Patrol agents called for this year by that law, less than half of the 800 immigration enforcement investigators, less than half of the 8,000 additional detention beds required. So much for being tough and for fully funding what has already been passed and called for.

While the Senate must be tough and smart in the legislation it passes, I do not want it to be mean-spirited. I was still a Member of the House of Representatives last December when that body considered the Sensenbrenner bill, H.R. 4437. Beyond the heated rhetoric that existed during the debate on that legislation, the bill itself was shortsighted and even mean-spirited.

Since it makes a felon out of anyone who is here in an undocumented status, it would require the most massive roundup and deportation of people in the history of the world. I believe that is both highly unlikely and impractical on many levels, including due to both the budgetary and economic impact on our Nation and its economy.

That bill would also criminalize citizens of the United States. Under the guise of a much broader definition of smuggling, that bill could allow the Government to prosecute almost any American who has regular contact with undocumented immigrants.

Under the Sensenbrenner bill, an American citizen who helps an undocumented alien under any of these circumstances would be found guilty:

A rape crisis counselor who is assisting a woman who has been raped would be guilty of a crime for ''assisting''; the church group that provides food aid, shelter, or other assistance to members of its community would be guilty of a crime for ''assisting or encouraging''; an aid worker who finds an illegal entrant suffering from dehydration in the desert and drives that person to a hospital would be guilty of a crime for ''transporting''; a counselor who assists a victim of domestic violence and her children would be guilty of a crime for ''assisting or encouraging''; Catholic Charities or other faith-based groups or lawyers who give advice on immigration procedures would be guilty of a crime.

I don't believe any of those provisions are the Christian values we so often hear talked about on the Senate floor. Because of those very troubling provisions, I certainly could not vote for that legislation. In doing so, I hoped that the Senate would work not as Democrats or Republicans but as Americans to bring our policies in line with our Nation's ideals and values.

History is replete with examples of the United States of America being a welcoming nation. But, unfortunately, the public dialog through the years has been less than welcoming. Over the decades, the influx of immigrants of various ethnicities has caused concerns and in many cases heated comments against such immigrants to our Nation. In some cases, there were even laws enacted to limit or ban certain ethnicities from being able to come to the land of opportunity.

Before the American revolution, Founding Father Benjamin Franklin wrote of the influx of German immigrants to Philadelphia. He said:

> Those who come hither are generally the most stupid of their own nation.

Henry Gardner, the Governor of Massachusetts, in the middle of the 19th century, saw the Irish as a ''horde of foreign barbarians.''

Finally, a 1925 report of the Los Angeles Chamber of Commerce stated that Mexicans are suitable for agricultural work ''due to their crouching and bending habits . . . , while the white is physically unable to adapt himself to them.''

We should not stand for rhetoric that focuses solely on the weak and says nothing about those who benefit the most from immigrants' contributions—the corporations and, ultimately, all of us, the consumers of these goods and services. Let's face it, we are all a part of the equation that contributes to this unfortunate situation in which we currently find ourselves—the fortunate among us in our country who have nannies to care for our children, maids to clean our hotels, motels, and even our homes, landscapers who maintain our lawns, and so many others who make a difference in our daily lives. Yet they seem to be invisible to us. Yet they, too, those who employ them, are part of the problem as well.

It does not end with the rhetoric. There has been a concerted effort over the past few years, through piecemeal proposals, to make our civil servants do things they do not even have the proper training to do. These efforts have included anything from trying to make our caregivers and doctors into police officers and our school teachers into INS and border security agents.

Changes to our immigration system cannot be done in a patchwork approach. They need to be undertaken in a comprehensive manner that can provide us with a safe and orderly immigration system that preserves family values, rewards hard work and sacrifice, and is in the national interest and benefits all Americans.

Now, let me be clear. I am first and foremost for hiring any American who is willing to do any job that is available in this country, any American who wants to do the backbreaking work that is so needed in our agricultural sector, to clean the bathrooms in our hotels on their hands and knees, and to do the work in our meat-packing plants across our Nation. These are done largely by immigrants. They should be available to any American who wants to do it first.

But many of us know all too well this is not the case. Like my parents—and I am sure many others here—immigrants have not come to this country to be taken care of. They have come to work hard—very hard—to provide for their families, and all they want is a better life for their children.

It is in the national interest to have all those here seeking the American dream to be able to fully participate and contribute to American society. Those who bend their back every day picking the fruits and vegetables that end up on our kitchen tables are part of America. Those who, through the sweat of their labor, dig the ditches that lay the infrastructure for the future are part of America. Those who are on their knees cleaning the hotel and motel rooms for our travelers are part of America. Those who plucked the chicken or deboned the meat we had for dinner last night are part of America. And those whose steady hands and warm hearts help the aged, the sick, and disabled meet their daily needs are part of America.

These men and women who, through hard work and sacrifice, are seeking the American dream need to be brought out of the darkness and into the light of America's promise. It is in the national security interest of the United States to know who is here to seek the American dream versus who is here to destroy it.

That is why I support the comprehensive immigration reform proposal that was reported out of the Senate Judiciary Committee in a bipartisan manner. It is perfect? No. But it is tough, smart, and balanced, unlike either the Sensenbrenner bill or the bill offered by the majority leader.

The Judiciary-reported bill will enforce our laws, protect our national and homeland security, while also reflecting current economic realities and respecting the core values of family

unity and fundamental fairness. It secures our borders through the increased use of aerial vehicles and sensors, while increasing the number of Border Patrol agents and immigration enforcement investigators. The Judiciary Committee bill has very strong border security and enforcement provisions that go even beyond the bill offered by the majority leader. For example, it makes tunneling under our borders a Federal crime, adds new criminal penalties for evading immigration officers, makes manslaughter an aggravated felony, and adds 12,000 new Border Patrol agents over the next 5 years. This bill provides a way for future workers to safely migrate to the United States in a legal process, works with labor and worker protections, and addresses the family backlog so that families can be reunited.

The Judiciary Committee legislation would also allow the possibility for temporary guest worker permits. Those who try to portray the bill as amnesty are, I believe, moving us in a direction to seek to, in essence, express the sense of fear. In fact, the Judiciary Committee legislation would punish those who are here in an undocumented status by requiring them to meet all of the following requirements before they can even join the path toward earned legalization. They would have to pay a couple thousand dollars in fines and fees. They would have to pass a criminal background check. They would have to go to the back of the line behind all applicants waiting for green cards. They would have to pay any and all back taxes. They would have to remain continuously employed going forward. They would have to pass a medical exam, and, yes, they would have to learn English and learn U.S. history and government.

So as Senator GRAHAM stated, this is an 11-year path—an 11-year path—to earned citizenship, not amnesty.

There is a broad and diverse coalition supporting the comprehensive immigration reform in the Judiciary bill. This unusual coalition includes individuals and organizations from our business, civic, civil rights, faith, immigrant, and labor communities.

So in closing, let me commend Senators SPECTER, LEAHY, KENNEDY, GRAHAM, and all the Senators on the Judiciary Committee for the work they did in producing a bill that moves us much closer to once again controlling our borders, while upholding our tradition as a nation of immigrants and laws.

However we got here, from wherever we came, we know that we are now in the same boat together as Americans. And together, hopefully, this Senate will act to make this journey a safe, orderly, and legal process that preserves and fulfills that American dream for all.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I rise today to speak about the crucial issue we are addressing as a nation and as a U.S. Senate, this immigration question.

I continue to have grave concerns about many of the provisions that are now before us. I am going to talk about some of those general concerns, and then I am going to outline two specific amendments I will be offering on the floor of the Senate that help meet them.

It is often said that Americans have a very poor sense of history; we do not read history much; we do not remember past mistakes and past lessons; we don't learn from history. I am afraid much of the debate and activity on this question on the floor of the Senate is another example of that because we went through very much the same sort of debate in 1986, the last time the Congress addressed illegal immigration in a major way and passed a more limited amnesty program.

It is instructive to look back and read those debates. It is enormously instructive to understand the arguments pro and con, during that debate in this very Chamber. And if one does that, one gets an eerie sense of history repeating itself. Unfortunately, it is a history of mistakes and missed opportunities which only made the problem worse. I encourage all of my Senate colleagues to go back to those debates, to read those words and statements and the arguments pro or con to get a sense of that history.

In terms of supporters' arguments for the legislation in 1986, many of exactly the same arguments were made. If we deal with this problem one time, if we create this program and deal with then 3 million illegal workers and immigrants in this country, we can solve it once and for all, and then we will have a true enforcement mechanism that will never let the problem recur or grow again—an interesting set of arguments, the same arguments we are hearing now.

What has happened since 1986? On that, the history and the record should be crystal clear. We didn't solve the problem back then. We passed major legislation which included an amnesty program, and the problem grew by 400 or 500 percent, a problem that was maybe 3 million illegal workers in our country back then. Even after so many of them were granted amnesty and given legal status, what do we face now? We face 12 million, perhaps more, illegal immigrants in this country.

What is the simple lesson of that bit of history? The simple lesson is that we never got real with border security. We never got real with enforcement. And perhaps the most important lesson—that anything akin to an amnesty program is going to encourage a lot more of that illegal activity which we are still not fully prepared to deal with on our borders.

The simple but basic conclusion I reached from that important history is that we need to address border security and enforcement first. We need to get real and prove ourselves on that side of the equation first because we have never effectively addressed that in the past, including 1986.

My plea to all of my colleagues is that we address this major issue in a simple two-step approach. First, let's do what there is wide consensus on, let's pass important border security provisions. Let's pass important and vital enforcement provisions, including those which go directly at employers who break our law by hiring illegals. And let's prove to ourselves and our constituents that this can and will be done.

Talk is cheap. And if it is cheap anywhere, perhaps it is cheapest, quite frankly, in the Congress. We talk a good game about this issue. We talk about enforcement in the context of this debate. But the simple fact is that we have never proven ourselves on the issues of enforcement and border security.

Talk is cheap. When we talk about authorization language, we all know authorization language is one thing, but appropriating the money to have true border security and true enforcement is quite a different and more challenging step. So let's not just talk. Let's act and let's prove ourselves. Let's do that before we run headlong into other provisions that are being debated, such as provisions that would be tantamount to amnesty.

I will offer two amendments—one a broad global amendment and one a much more focused amendment—that are both consistent with this general philosophy that talk is cheap and that we need to act and prove ourselves with regard to border security and enforcement before we run headlong into these other issues.

My first amendment is No. 3264. It does several essential things with regard to the Specter substitute No. 3192 currently before the Senate. It would strike what is often called the temporary worker program in the Specter substitute. It would also strike the title VI amnesty program in the Specter substitute. It would direct different elements of our Government to study important issues that have come up in the debate so we have a fuller sense of the implications of what some would rush headlong into.

Specifically, it would direct three studies to be done within 1 year of enactment of this bill. First, the Department of Labor would study the need for guest workers on a sector-by-sector basis and the impact of any proposed temporary worker program on wages and employment opportunities available to American workers. Clearly, in

this country there are needs in our economy that are not adequately being met by American citizen workers. But just as clearly, opening ourselves full throttle with a very broad amnesty program or a very broad temporary worker program that would grow automatically over time has the risk of bringing down wages and opportunities for American workers. We need a much more careful and precise examination by some entity such as the Department of Labor on a sector-by-sector basis as to what the consequences of this would likely be.

Secondly, my amendment would propose a GAO study establishing minimum criteria for effectively implementing a temporary worker program and determining whether the Department of Homeland Security has the capability to enforce such a program. If GAO determines that Homeland Security does not effectively have that capability right now, then they should determine what additional manpower and resources would be required to ensure effective implementation.

Again, some on this floor are proposing a mammoth change to our immigration policy—a new temporary worker program—without our having a precise idea of what manpower and other authorities Homeland Security needs to implement and enforce such a program. We need to know that on the front end. We need to have that in place on the front end before we rush headlong into any temporary worker program.

The third study my amendment would mandate is a Department of Homeland Security study to determine whether border security and interior enforcement measures enacted as part of this act are being properly implemented and whether they are effective in securing U.S. borders and curbing illegal immigration. We often talk a good game in terms of border security. We often talk a good game in terms of enforcing the laws presently on the books in the interior of the country. But we need a much more precise sense of what it will really take to bring enforcement to all of those provisions—proper, full implementation. We need to hear from DHS in a lot more detail about what they will need—manpower, authority—to actually implement and make this work before we rush headlong into temporary worker, amnesty, and other provisions.

I will offer a second amendment on the floor. That will be No. 3265. That is a much more focused micro-amendment. The first amendment I described is a broad amendment to meet the major objections I have with the Specter substitute. The second amendment is much more narrow. It specifically addresses the following issue: Right now, the Specter bill requires that illegal aliens prove they have been employed since January 7, 2004, in order to take the next steps toward citizenship.

How does one prove that? Well, they can show IRS records. That is one possibility. They can show Social Security records—that is another—or other records maintained by Federal, State, or local governments. Their employer can attest that they have been working. That is yet another possibility, although one has to wonder how often that is going to happen since we are talking for the most part about illegal workers. Their labor union, daycare center, and other organizations can attest that they have been dealing with these people inside the country since at least January 7, 2004. But that is not the only thing they can produce.

If all else fails, they can do the following: They can have a nonrelative sign an affidavit, an attestation, that they have been in this country since January 7, 2004. Anyone who is not blood-related to them may do so. Clearly, this is an open-ended invitation to fraud and abuse. Clearly, having such an affidavit as a possibility with no supporting documentation, with no testimony from any Federal Government agency or State government or local government agency is a wide-open invitation for abuse. So my second amendment will simply close this door to fraud and strike the sworn affidavit or attestation provision in the language currently on the floor.

I urge all of our colleagues to look carefully at these two amendments. More broadly speaking, I urge my colleagues to think long and hard about the lessons of history with regard to this particular issue. We have history to study. Let's not ignore it. Let's not ignore those lessons and plunge headlong into repeating the mistakes of history, particularly those of Congress's action in 1986, because the only difference in so many of the provisions now before us from those in 1986 is that this would be on a far broader and grander scale, the problem having at least quadrupled since those mistakes of 1986.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the Judiciary Committee's superb product, the immigration reform, border security bill. I also wish to speak on an amendment Senator BROWNBACK and I intend to offer. I gather we are not offering amendments now, but this is an opportunity to speak on this amendment. This would address America's treatment of people who come here seeking asylum.

I am pleased to be working with Senator BROWNBACK. Over the years, my colleague from Kansas has done so much good work to protect the rights of refugees overseas and those who seek asylum on our shores for a host of reasons—that they might escape persecution for reasons of faith or politics. Senator BROWNBACK is a partner I am truly proud to be working with on this matter.

This amendment rises out of a report that was issued in February of last year by the U.S. Commission on International Religious Freedom. It is a Commission established by law, by act of Congress. One of its duties is to issue annual and often more frequent reports. This report last February raised very serious concerns, objections about insufficient protections for asylum seekers arriving in this country. The Commission reported an unacceptable risk that genuine asylum seekers were being turned away because their fears and the real dangers of being returned to their home countries were not fully considered. The Commission also found that while asylum seekers are having their applications considered, they are often detained for months in maximum-security prisons without ever having had a chance before an immigration judge to request release on bond.

The Commission described conditions of detention that are completely unacceptable for a just nation to impose on people who are trying to escape war, oppression, religious persecution, even torture.

The amendment I am honored to be offering with Senator BROWNBACK will implement the Commission's most important recommendations. It calls for sensible reforms that will safeguard the Nation's security, improve the efficiency of our immigration detention system, and ensure that people fleeing persecution are treated in accordance with this Nation's most basic values. Remember, our purpose was stated in the original American document, the Declaration of Independence, which said that the Government was being formed to secure the rights to life, liberty, and the pursuit of happiness which were the endowment of our Creator, not just to every American but to every child of God. this Nation has been, over the decades, a land of refuge where people seek freedom and sanctuary from the deprivations they endured in the countries they were in. It is our attempt in this amendment to revitalize and make more credible and honest and true the asylum process that our country has to implement those ideals.

The amendment we are introducing would implement quality assurance procedures to ensure that Government employees carefully and accurately record the statements of people who say they have a fear of returning to their countries. Aliens not subject to mandatory detention would be entitled to a hearing—basic American due process—to determine whether they could be released. Providing bond hearings for low-risk aliens will also free up space for the cases that really ought to be incarcerated.

The amendment also promotes secure alternatives to detention of the type that the Department of Homeland Security, I am pleased to say, has already begun to implement. These new programs and procedures would also make our use of detention space more effective and efficient at an average cost of $90 per person per day. But, of course,

that is the average. Often it is much higher. Detention beds have always been scarce.

Provisions in the legislation before us—the Judiciary Committee proposal—would vastly increase the number of aliens being held in detention. The underlying bill, which I strongly support, is a tough bill. It is so tough that it will inevitably increase the number of people who are not in legal status who will be held in detention. Our immigration system will need to prioritize available space because it is limited for aliens who pose a risk of flight, a threat to public safety, or are otherwise subject by law to mandatory detention.

For those who may remain detained, we are obliged as a just society to provide humane conditions at immigration facilities and jails used by the Department of Homeland Security.

The amendment we are introducing includes modest requirements to ensure decent conditions, consistent with our best American values, especially for asylum seekers, families with children, and other vulnerable populations. It requires improvements in areas such as access to medical care and limitations on the use of solitary confinement. It creates a more effective system within the Department of Homeland Security for seeing and inspecting these facilities.

The United States has been, is, and hopefully always will be a land of refuge for those seeking liberty. Many of our Nation's Founders, of course, fled here themselves to escape persecution for their political opinions, their religious beliefs, or even their ethnicity. Since that time, the United States has honored its history and its founding values by standing against persecution around the world, offering refuge to those who flee from oppression and welcoming them as contributors to American society.

That brings me now briefly to the larger immigration debate before us this week. I want to start with a bit of history. It was in March of 1790 that the first Congress of the United States began debating an immigration and naturalization act that would spell out how new arrivals could become citizens of our new Nation. The main requirement of the law finally approved was that an immigrant needed to live in the United States for 2 years and in the State in which he settled for 1 year to attain legal status. The Senator from Pennsylvania at the time, Mr. William Maclay, thought immigration would be such a benefit to the new Nation that he wanted those residency requirements removed. Senator Oliver Ellsworth of Connecticut, who I believe occupied the seat in the Senate that I am honored to occupy now in the succession, wanted the residency requirement kept in. Senator Maclay of Pennsylvania lost the debate and, frustrated, wrote in his diary afterward:

> We Pennsylvanians act as if we believe that God made of one blood all families of the earth. But the Eastern people——

Parenthetically, he must have been referring to us nutmakers from Connecticut——

> seem to think that he made none but New England folks.

I am sure Senator Ellsworth would have objected to that diary entry on behalf of himself and the people of Connecticut.

Today, this Senator from Connecticut is proud to stand with one of the two Senators from Pennsylvania today, the chairman of the Judiciary Committee, Senator SPECTER, and my fellow New Englander, ranking member of the Judiciary Committee, Senator LEAHY, in supporting the balanced, strong, practical, progressive immigration reforms that they have reported out of the Judiciary Committee.

I thank them and congratulate them on this balanced and bipartisan bill. I also give special tribute to Senators KENNEDY and MCCAIN for all of the work they did in introducing their initial legislation, which I was proud to be an original cosponsor of, much of which has now been embraced in the Judiciary Committee bill.

The proposed legislation before us, the underlying bill, would enhance our national security, promote our economic well-being, and create a fair and just path to citizenship for those who come here to work hard, pay their taxes, respect the law, and learn the English language.

We all agree we have to do more to secure our borders and control illegal immigration. What we are doing now simply doesn't work. This debate has to be about practical solutions, about fixing that problem. That means we will never fix our broken borders without fixing our broken immigration system, in my opinion.

People talk about this as a choice between better border security and immigration reform. That is a false choice. Not only do we need both, unless we have both we will not achieve either better border security or the practical immigration reform we need.

The bill reported out of the Judiciary Committee contains all of the essential security and enforcement provisions in the bill introduced by the majority leader. Both bills substantially increase Border Patrol and immigration enforcement personnel, detention beds, border fences, resources for border security systems and technologies. Both bills create new criminal penalties or make existing penalties more severe. Both bills establish new mandates and authorities for detaining and deporting aliens.

However, the Judiciary Committee bill omits a couple of parts of the majority leader's bill which ought to be omitted—those that criminalize the so-called Good Samaritan behavior toward undocumented immigrants and those who would criminalize the undocumented immigrants that we have. To me, that is foolish; it will not work. In fact, it will push the undocumented immigrants further into the shadows because now their status is not only a violation of immigration law but it would be a crime. It would subject them to much greater exploitation by employers in this country and, in that sense, constitute increasingly difficult competition for Americans who want to work. But overall, this bill on border security contains all of the provisions, except those two, in the majority leader's proposal to toughen border security.

I think history should have told us something—that as important as tough border security measures are, they are not going to solve the problem of illegal immigration because people want so desperately to come here. I have said before, and I will say it again: With very few exceptions, the 11 million undocumented immigrants that we have in the country today came to America for the same reasons my grandparents did. But my grandparents arrived at Ellis Island and they were let in. Why did the undocumented come then and today? For freedom, for opportunity, for a better life for their children—to be Americans. Think about it: freedom, opportunity, and a better life for our children, which are American values and the American dream.

I think history has shown us that border security ought to be toughened, but it is not going to stop this flow. Let me cite this statistic for you to prove it. In recent times, from 1993 to 2004, the number of Border Patrol agents was tripled because of concerns about illegal immigration. Spending on border enforcement quadrupled. We have 10,835 Border Patrol agents and almost $4 billion a year is spent—quadrupled on border enforcement. What happened to the number of undocumented immigrants in that time? It has doubled, from 4.5 million to 9.3 million. The reason, obviously, is that as long as we fail to provide legal channels to these people who desperately want to come to this country, they are going to find some way to come here illegally. They are going to come here to work.

You have all seen the Pew Charitable Trust studies that show that 95 percent of the working-age men who are undocumented immigrants have full-time, year-round jobs. In fact, they make up 5 percent of the American workforce overall.

So the reforms this bill adopts, creating a path to earn citizenship, not only is the right thing to do for our economy, but it is consistent with our values. It is also the most practical thing to do to deal with the problem of illegal immigration and border security and, as others have said, would free up resources at the border to stop the few coming over who come in for bad reasons. Particularly, I focus on potential terrorists and those who want to deal in controlled substances, drugs, in this country.

I will wrap up now because I see my friend and colleague and supporter of

this legislation, the Senator from Colorado, on the floor. I support it strongly. I think we have an extraordinary opportunity in this Senate to do something right this week, and to do something practical to fix the immigration crisis in our country. The immigration system is not working now and this bill gives you an opportunity to make it work. I know there has been discussion of possible compromises. I think the Judiciary Committee bill itself is a compromise, and a good strong one. Although the particular compromises that have been floated in the last 24 hours I don't accept, I am encouraged by them because they speak to momentum in favor of coming together across party lines, regional lines—every line you could imagine—as Americans, to do what is right and practical, and to assist our security and our economy.

I close with a wonderful quote I found from Thomas Jefferson going back to the initial days of immigration when he said:

> Born in other countries, yet believing you could be happy in this, our laws acknowledge, as they should, your right to join us in society.

It is that spirit Jefferson articulated right at the beginning of the American experience that I think challenges us, informs, and elevates the proposal before us. We have a real opportunity to act on that ideal this week. I can't help but go back to what that wise Senator from Pennsylvania once said: God, in fact, made all the families of Earth of one blood.

I yield the floor and thank the Chair.

The PRESIDING OFFICER (Mr. BURR). The Senator from Colorado.

Mr. SALAZAR. Mr. President, at the outset, I recognize my friend from Connecticut and agree with his comments and applaud his voice of moderation and centrist views. Those are the kinds of views that are bringing together the coalition that ultimately will allow us to succeed in passing comprehensive immigration reform in the Senate.

I want to speak about two issues today. One is about the law and order aspects of this bill, and the second is to refer to the nature of this debate we are seeing around the country on immigration.

The first point I want to make is that the Judiciary Committee bill which was produced with great work on the part of both Democrats and Republicans is, in fact, a law and order bill. For those people who have said it is not, they are wrong. This is a law and order bill because what it does is it takes the immigration issues we are facing in this country and addresses the strengthening of our borders. It also addresses the enforcement of our immigration laws within the interior of the United States. And finally, it applies penalties and registration to those who are here illegally in our country. So I believe the appropriate characterization we should be giving this legislation is that it is a law and order bill.

I want to review some of the aspects of border security which are very important. All of us know that today we are involved in this debate because we have broken borders, both to the South and to the North. It is not just the border between the United States and Mexico we are addressing today, but it also is the border with Canada. It is a system of broken borders we have in this country today.

What this legislation does is toughen border security in ways we have not done for the last 20 years. In this post-9/11 world, it seems to me there can be no higher imperative for our Nation's calling than to make sure we are doing everything we can to protect the Nation and protect our homeland. How can we do that if we have porous borders? That is what this legislation, the Judiciary Committee bill, before the Senate does. It addresses that issue of border security.

It adds 12,000 new Border Patrol agents. These officers will help double the number of law enforcement officials we have working on the borders to make sure we have secure borders.

It creates additional border fences in places that are vulnerable, where we see significant crossings in some of the major cities between the North and the South, but we know with these additional fences in vulnerable areas that we can increase border security.

It provides new criminal penalties for a whole range of activities, including the construction of tunnels which have been found in California and other places so that those who are involved in the construction of the tunnels will be subject to some very heavy criminal penalties.

It adds new checkpoints and points of entry so we can make sure the flow of people from one country to another is, in fact, being checked and that we can, in fact, make sure they are legal entrants into our country.

It expands the security system at all land borders as well as our airports.

One of the law and order legs of this stool is the fact that we will have much more strengthened border security if we are able to get this immigration reform package through the Senate.

The second aspect of this legislation, which I think stands tall for law and order, is the enforcement of our immigration laws. For far too long we have turned and looked the other way when our immigration laws have been broken.

This immigration bill produced by the Judiciary Committee will have us look in the right direction. It will have us stand tall and say: We are going to enforce our immigration laws.

It adds 5,000 new investigators within the interior of this country to make sure we are enforcing those immigration laws. That more than doubles the capacity of our interior enforcement with respect to immigration.

It establishes 20 new detention facilities so we can process those who are caught here illegally for violation of our immigration laws.

It reimburses the States that now have the responsibility, in many cases, of apprehending and detaining aliens. This legislation will provide assistance to the States for that detention.

It requires a faster deportation process so that once there is someone who is caught illegally, they are subject to deportation in a prompt process.

It creates additional criminal penalties for gang members, for money laundering, and for those who are involved in human trafficking. We go after that lawlessness which has been created by the broken borders we have today.

It increases document fraud detention and, as the President said, for people who are here under the guest worker program, they will have a tamperproof card so we can make sure the fraudulent business that has been created is something we stop.

It expands authority to remove suspected terrorists from the United States.

And it is strong in pushing for the employer sanctions which are now part of the law and adds some additional employer sanctions.

It is a tough immigration law enforcement bill that addresses the issues within our interior.

The third point I want to make with respect to this bill, which is a law and order bill, has to do with the fact that we penalize those who have broken the law. Some people have decided they want to call this legislation amnesty legislation. There is nothing that could be further from the truth. It is a falsehood to say this legislation provides amnesty.

For those who have broken the law, we require them to pay a penalty. It is a substantial monetary fine. We in America who have worked in law enforcement know that many Americans, when they break the law, have to pay some kind of civil penalty. Here the penalty that is proposed for those illegally here today is $1,000. In addition to paying the penalty, we require these people to register with the Government. As American citizens, none of us are required to register with the Government. We, in this bill, however, require the undocumented people who are in this country to register with the U.S. Government. So we have penalties and we have registration.

There is a whole host of other items included in this part of the legislation that address the 11 million undocumented workers in this country, including the requirement that they obtain a temporary work visa, that they provide an additional $1,000 penalty, that they pass a background check and remain crime free while in the United States, that they pay all back taxes, that they learn English, that they learn American history and Government, that they pass a medical exam, and that they prove they are continuously employed with a temporary guest visa.

When we look at all these requirements, what we are doing is creating a system where for an 11-year-period these people are going to be punished and they are going to go through what I call a purgatory of time. It is an 11-year waiting period before they are eligible to obtain citizenship.

So this legislation ought to be correctly characterized as legislation that stands up for law and order, that addresses our broken borders and the lawlessness that comes from those broken borders.

I wish to briefly also address the tenor of the debate in the United States of America with respect to this issue of immigration reform, which we are debating in Washington, DC, and across our great Nation.

I think President Bush had it right when he talked about this issue a few days ago. He said:

When we conduct this debate, it must be done in a civil way. It must be done in a way that brings dignity to the process. It must be done in a way that doesn't pit one group of people against another. It must be done in a way that recognizes our history.

That is what President Bush said about the kind of debate we ought to be having in America today on immigration.

Yet the reality is that the kind of debate that is going on in some places in America is a debate that is very vitriolic and is very poisonous. It serves to divide our country as opposed to uniting our country.

I myself have been the subject of many of these attacks by telephone and e-mails as well, I am sure, as many of my colleagues who are working in the Senate today. Some of those attacks that have been launched against me have said I should simply go back to Mexico because I am a ''spic.'' I resent that because my family founded a great part of this country, including the city of Santa Fe, NM, some 400 years ago. My family has supported this country through war and depression and a whole host of different ways.

Like all Americans, I believe we are equal and that we should be celebrating the diversity that makes us a strong country. So the kind of comments and the kind of poison that sometimes comes from these comments we are getting from around the country, including my own State of Colorado, is not helpful for us as we move forward to create comprehensive immigration reform.

I have received other kinds of comments such as from someone calling from my State:

I am not a racist against Mexicans. I want all minorities kicked out.

Another one:

Put all the illegal aliens on trains and deport them out of the country. They come in vans. Railcars would be a step up.

Those are just a few samples of the thousands of negative messages I have received in my office as we have engaged in this debate.

I go back to the President's statement that as we move forward in this debate on this Senate floor and in this country, we should appeal to the better angels of people to ensure we can have a civil debate about a very important issue, that goes to the heart of America's national security, that addresses the economic realities that are addressed in the package that came out of the Judiciary Committee, and that also addresses the humanity involved in the immigration chaos in which we find ourselves.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

SECURING AMERICA'S BORDERS ACT—Continued

Mr. DURBIN. Mr. President, I have been advised that amendments are not being accepted at the moment, so I will withhold it until the appropriate time. I ask unanimous consent to speak to the amendment so that my colleagues will be apprised of its contents.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, last December, Senator BROWNBACK of Kansas and I went to Africa and went to a part of Africa I had never visited before. It is a part most Americans are not familiar with. It is called the Democratic Republic of Congo. We have known of it throughout history as the Congo. It is a huge expanse of country, with its capital of Kinshasa in the western part of the Democratic Republic of Congo, and then in the far eastern regions is a section of the world that has been hit hard time and again by devastating loss.

In the area around Goma, in the eastern part of Congo, a few years ago they were hit by a volcano that left 2½ feet of lava in this poor town, destroying most of the buildings that were there. They have been victims of disease, of all of the trappings of poverty, which we are aware of in the continent of Africa, while at the same time there has been an ongoing war, which has killed so many innocent people. It is amazing, the resilience and the courage of the people in east Congo.

Senator BROWNBACK and I went there because we had heard that, with little fanfare in the West, 1,000 people a day were dying in this part of the world from all of the different events I have just noted. We went to a hospital in Goma, which is known as the Docs' Hospital, run by a Protestant church, in an effort to provide some basic health care in the Congo. We met with some amazing doctors who work for the Government of the Congo.

Some of you who are fans of the ''Oprah'' show from Chicago may know she has focused on a problem they are addressing which is known as obstetric fistula. This is a terrible injury a woman sustains when she is either sexually assaulted or at too young an age goes through a prolonged labor before delivering a baby and has problems that can be very devastating to her personally. So many of the women in this region of the world come to this hospital in Goma in the hopes of a surgery. There is a very modern surgical suite there financed by the United Nations but very few doctors. They have one surgeon.

I asked the doctor who was there: How many doctors do you have in this region of the world for the people who live here?

He said: We have 1 doctor for each 165,000 people. One doctor.

I said: How many surgeons?

He said: Oh, that is hard.

He did a quick calculation, and he said: I believe we have 1 surgeon for every 3 million people who live here. There is 1 surgeon for every 3 million people.

Imagine if we only had one surgeon for the city of Chicago. That is comparable in terms of numbers.

I talked to him for a while about this challenge and the fact that there are not nurses and doctors and surgeons necessary to treat these poor people. He talked to me about some of the challenges they face, not just the matter of being paid by the Government, if you are lucky—no more than $600 a month—but also the lure of the West on these doctors.

We need doctors desperately in the United States. I represent a State with rural communities that are anxious to bring in doctors. We are not really that picky when it comes to their national origin. If they are competent, well-trained doctors, they will take them from anywhere in many of the small towns I represent. My State is not unlike many other States. But what we find here is this situation where our immigration laws are written in a way to attract doctors from those parts of the world most in need of doctors at the present time. So as Africa and Asia and other parts of the world deal with the global AIDS epidemic and terrible medical problems such as tuberculosis and malaria, the doctors who could successfully treat the people living there are lured from those low-paying jobs in desperate circumstances, with limited medical facilities, to the very best opportunities in the United States.

I thought about that as I flew back from Africa: What is the fair thing to

do? We need doctors in the United States, that is for sure, but they desperately need them in the developing parts of the world, and we are luring these doctors away. We are draining away this medical talent from a part of the world that needs it the most.

I am going to be offering an amendment later on to this immigration bill, and the purpose of this amendment is twofold.

First, it would require health care professionals and medical and nursing students who are applying for legal permanent residency or a temporary visa to attest whether they have committed to return to their home country. I believe that is important because if someone, for example, in Congo has their surgical residency—it costs about $50,000—paid for by the Government of the Congo with the understanding that they will stay and serve for a certain number of years, we should honor that contract. I think that Government has gone out of its way to provide the most basic need of every person on Earth—medical care—and for the United States to step in and say: We will ignore that commitment you made to the Government that paid for your education because we want you to come to the United States I believe is wrong. So this amendment would say that we have to honor those commitments made by those who said: For the cost of my education, I will work for a year or 2 years or 3 years in the country that paid for it. That is No. 1.

No. 2, with this amendment, we would allow doctors and nurses who are legal permanent residents to return temporarily to help countries of citizenship or to reside in certain developing countries to work as health care professionals. What that means, of course, is if you are here in the United States as a legal permanent resident, you can return to a country that is desperately in need of doctors without jeopardizing your right to come back to the United States. So those who feel a special bond with their home country can go in a medical crisis, help the people, and then come back to the United States without penalty.

These are two changes which are not massive but are important because they address, first, keeping your word. If you say: I will help the people of this country if you pay for my medical education, you should keep your word, and the United States should not ignore the fact that you have made that promise.

Secondly, if you are here in the United States and want to return to help people in some of the poorest parts of our world, we should say we want you to do that. It is a compassionate decision on your part that we will honor and not penalize you for in terms of your legal residency here in the United States.

I believe this amendment addresses two aspects of the problem that are important, but as I reflected on it, there is much more to this.

Why is it that we bring in so many medical professionals from other countries around the world? The obvious answer is we are not graduating enough doctors, we are not graduating enough surgeons, specialists, nurses, health care practitioners, to meet the need in the United States. So in addition to keeping an eye on the needs of the world, we need to focus our attention as well on the needs of the United States. That means in the bills that we are considering relating to education and scholarships, assistance and encouragement, we need to put in place programs which will help these health care professionals complete their education in the United States.

Now, what does that mean? Let me give you one illustration. I was born in East St. Louis, IL. I am very proud of my hometown. It was a blue-collar town. It has gone through some extremely tough times. Just 2 weeks ago, I returned to East St. Louis Senior High School, which is six blocks from where I grew up. We met with students to talk about a number of things.

A group came up to me afterward. These were six male students at East St. Louis Senior High School, and they said: Senator, we want to talk to you about our school.

I said: Sure. What do you want to talk about?

They said: Why is it that at our school in East St. Louis, the students don't have personal computers, and yet, just up the hill in Belleview, they do? Why is it that in our school we don't have the equipment in our chemistry lab or our physics lab that we need to really learn these subjects, while in schools just a few miles away they do?

The answer is obvious: It is the way we finance education in America. There are school districts that have and school districts that have not and, sadly, in many respects, East St. Louis is one of those school districts that do not have the basics when it comes to some of the equipment they need so their students can be well trained.

If we are serious about having enough doctors and nurses and health care professionals, we have to be serious about the education we provide for the students across America. I believe we are falling dreadfully short.

No Child Left Behind tests students across America to find out where they are deficient, where they are falling behind. That is a good thing. Kids hate to take tests; I always hated to take a test. But if you can't measure it, you wonder if there is real value. In this situation, a test at least tells you whether a student is progressing. Equally important, the tests are divided in schools, so it isn't just the average score you are reading; you will read the score for majority students, minority students, those who are special education students, those who are taking English as a second language. You may find that the average score is comforting, but when you break out the groups, there are some that need extra attention, extra help.

The problem is that the President encouraged us to pass No Child Left Behind, which tests for and identifies the problem, but then the administration refuses to send resources to deal with it. So now we have school districts testing kids right and left, coming up with results, some of them being labeled as failing schools, and they turn to us and say: Well, will you give us a helping hand? You put mandates on us, such as treating special education students, and instead of providing 40 percent of the cost of that education as you promised, you are only providing 18 percent. And now you identify students within our schools who are falling behind in testing, and yet no resources come forward—resources for smaller classroom sizes, resources for tutoring and mentoring, resources for afterschool programs and summer programs.

So if we are serious about being competitive in the 21st century, if we are serious about producing the health care professionals and engineering specialists and scientists we need to make sure we are competitive in this world, we must be serious about education at East St. Louis Senior High School and every school across America. We must focus our resources on America. A strong America begins at home, and it begins at home with our schools. It has been the ladder for generation after generation in America.

As I stand here, we spend $2 billion a week on the war in Iraq. I voted for every penny for it. Although I voted against the resolution to go to war, it was my feeling that if it were my son or daughter in uniform, I would give them everything they needed to come home safely with their mission accomplished. But it is an expensive undertaking with no end in sight.

We decided—the President decided—that for our national security purposes, we would have to shoulder this burden of $400 billion. That is what the war has cost us to date, approximately. I will leave here in a moment and go to the Senate Appropriations Committee, where we have been asked for another $100 billion for the war in Iraq. I am confident it will pass quickly with bipartisan support. But if we are coming down to the basics in America, we have sacrificed things we need in our country in order to strengthen the country of Iraq. We have put billions of dollars on the plate for hospitals and schools and infrastructure to rebuild this country, while America has fallen short in many of the same areas.

So when we deal with this amendment on the future of health care in the world and in America, we need to focus on fairness when it comes to immigrants, health care professional immigrants from other countries. We need to create opportunities for health care professionals to help in other countries, but we need to focus resources in America on making us

strong as a nation right here at home. That means strengthening our schools, demanding of our kids that they not only do well on tests but stand by them to help if they are not doing well so they can improve and do better on the next test, and make a commitment as a nation for that to happen.

According to the World Health Organization, Africa loses 20,000 health professionals a year. It is part of a brain-drain. The United States is the largest consumer of health care professionals from some of the poorest places in the world, followed by France, Germany, and Great Britain. In the United States, we deal with rural and inner-city health care shortages, which we need to continue to address. But we understand now that many nursing schools have long waiting lists of qualified applicants. We don't have the capacity in many of our schools—nursing, medical schools, and the like—so we need to expand that base within our own country to produce those who can teach and those who can learn to serve us in medical professions in the years to come.

Let me give an example of another country aside from the Congo, which I mentioned earlier. Ethiopia has only 3 doctors for every 100,000 people and 20 nurses; 3 for every 100,000 people. In the United States, we have 549 doctors for every 100,000 people and 773 nurses. Yet according to Ambassador Randall Tobias, who has been confirmed as the U.S. Director of Foreign Assistance, there are more Ethiopian-trained doctors in Chicago than in the country of Ethiopia.

In the Democratic Republic of Congo, which I mentioned earlier, there were severe shortages of doctors and medical professionals at a time when those areas were desperately fighting the global AIDS epidemic. In Zambia, nearly a quarter of the adult population is infected with HIV/AIDS. But Zambia has lost over 90 percent of its doctors who graduated from medical school in the 1980s and 1990s and emigrated out of the country to the West and to Europe.

Secretary of State Condoleezza Rice recently said:

> HIV/AIDS is not only a human tragedy of enormous magnitude, it is also a threat to the stability of entire countries and entire regions of the world.

We must make certain that we have the resources available through the Global Fund, through our PEPFAR appropriations, as well as appropriations to USAID and other agencies. But we also have to make certain that when a country overseas that is battling disease, that is trying to provide the most basic health care for its citizens, is doing its best, we should not be luring away their health care professionals who promised they would stay. I think we can extend America's health care capacity. We can do it with a strategy that includes good education for our children, focusing on math, science, and critical languages but also making certain our professional schools can generate the doctors and nurses we need.

Today, with this amendment, we would take two modest steps in the right direction by passing the amendment to require would-be immigrants to fulfill pledges of service and to offer members of the Diaspora community who are working here a chance to share their badly needed skills. Imagine living in a country with 3 doctors for every 100,000 people. Then ask yourself what can we do about it. This amendment is a start.

Mr. President, I ask unanimous consent that Senator KENNEDY be recognized as the next Democratic speaker for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The order is to recognize the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think the Senate had a rough kind of order in terms of speaking. I was told that this was the time to speak even in terms of other Senators. I intended to speak now. I ask unanimous consent that the Senator be recognized after I finish.

Does that help the Senator?

Mr. ENSIGN. Mr. President, if the Senator will yield, how long will he speak?

Mr. KENNEDY. Probably 20 minutes.

Mr. ENSIGN. Would the Senator mind if I went for maybe 2 or 3 minutes?

Mr. KENNEDY. I have no objection.

Mr. ENSIGN. Mr. President, to be fair, realizing that there will be objection to laying down amendments, I would speak maybe 2 or 3 minutes total.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, at the end of my remarks, I will ask to lay the pending business aside. Let me speak for a moment on the issue of immigration.

We are dealing with one of the most difficult issues that we will consider this year. It is difficult from a political standpoint, and it is difficult from a policy standpoint.

If we could poll all 100 Senators, we would probably have 100 different ways of solving the problem of illegal immigration.

However, I think we can all agree that we need to secure our borders. This should be our number one priority, and our national security depends on it. Then, we can begin to consider other reforms.

I, personally, believe it is important that we first secure all of our borders, including our Southern border, our Northern border, and our ports. Once we have secured our borders, as part of a comprehensive reform effort, we can then consider a temporary worker program. This program should require the worker to be continuously employed. It should also ensure that workers are contributing members of society, and are working to become proficient in English. In addition, this program should encourage the worker to have health care coverage.

I have drafted several amendments that are different from the current underlying bill. It is important that these amendments and other legislative proposals be considered for debate.

It is unfortunate that the other side is blocking the amendment process on the bill. They don't want to take some tough votes. I understand that. However, immigration reform is a critical issue facing our country. We must have a full debate in the Senate, which includes an opportunity to bring up amendments, have votes on them, and then determine how to proceed. I, and many of my colleagues, have several amendments that I believe will be very constructive to this process.

Many of us want a verifiable database from which employers can search for the legal work status of their employees. It may be several years before we can actually have that database up and running. The technical problems associated with the database are not addressed in the current underlying bill. I believe some of my colleagues have offered an amendment to address this important issue, and I believe my colleagues should be heard.

We also have to look at Social Security. Two of my amendments address serious issues related to Social Security.

In order to qualify for full Social Security retirement benefits, a worker must work a minimum of 10 years. Under current law, individuals who work in the United States illegally, and later obtain legal employment status, can use their illegal work history to qualify for benefits.

The promise of Social Security is for citizens and legal residents of the United States. It was not intended for individuals who enter our country illegally, purchase fraudulent green cards and documentation on the black market, and use them to get jobs. At a time when the solvency of our Social Security system is in question, it is wrong to allow those who have broken our laws to receive credit for their illegal work history.

In addition, I have serious concerns about the proposed Totalization Agreement with Mexico and its impact on the Social Security Trust Fund. The effects of the Totalization Agreement depend on the specific terms and language included in the agreement. We

do not know the terms of the agreement and will not know the exact terms until the President submits the agreement to Congress. We also don't know the exact cost of a Totalization Agreement with Mexico. I am concerned that if this agreement were to go into effect, it could severely impact the Social Security Trust Fund and threaten the retirement benefits of hard-working Americans. This issue needs to be addressed in the context of this debate.

I believe there are many technical problems with this bill that must be debated on the Senate floor. These issues should be addressed out in the open so that the American people can see what is being discussed. Unfortunately, this process is not going forward because the amendment process is being blocked.

I ask unanimous consent that the pending amendments be laid aside, and that I would be allowed to offer an amendment at this point.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ENSIGN. Mr. President, in closing, I realize that there are many differences in this chamber. Both Republicans and Democrats have different views on various aspects of this legislation. I believe it is absolutely critical that we move this process forward, that we allow for full debate on the Senate floor, and that we allow amendments to be debated and voted on.

I encourage my colleagues to think about how we proceed, as this is a critical issue facing our country.

I yield the floor, and I thank the Senator from Massachusetts for yielding.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator. From my own personal experience, the Senator has been very much involved and engaged in the provisions of the legislation—and has been during the consideration that we had in the Judiciary Committee.

Mr. President, I remind Members about where we are at the present time with the proposal passed out of the Judiciary Committee 12 to 6, bipartisan.

We had some 6 days of markups. We considered hundreds of different amendments. I was looking over a number of the amendments that had been considered and offered. There may be a few that weren't, but just about all of those were considered at one time or another before the Judiciary Committee. We held 7 days of hearings, listened to all different individuals who had a variety of different opinions on a wide variety of different subjects.

The basic legislation that we are considering here, in one form or another, has been out there for more than 2½ years prior to the 2004 election. I introduced legislation that had a number of parts of this legislation. Senator MCCAIN introduced legislation, and Senator DASCHLE and Senator HAGEL worked together.

After the elections in 2004–2005, Senator MCCAIN and I worked together in May of 2005 and presented this legislation.

This issue has been before both our committee with extensive hearings. We had a markup as a result of the action of the chairman of our committee. We had the opportunity to take some action on this.

I know there are those who would like to discuss this and discuss and continue to discuss. Sometimes this institution has to take action. I am very hopeful we will be able to do that in these next couple of days.

Some Senators have tried to frame the debate on immigration between the Judiciary Committee bill and Senator FRIST's bill as a debate between those who would be tough on enforcement and those who would not.

We all recognize that our current immigration enforcement system is broken. Enforcement provisions is an area where a good deal of consensus has already emerged in this Chamber.

Both bills under consideration would enhance our capacity to monitor the immigration flows and stop illegal entry. They would double the number of Border Patrol agents over the next 5 years; add significant new technology at the border to create a ''virtual fence''; develop new land and water surveillance plans; authorize new highway checkpoints near the border; and expand the exit-entry security system to all land borders and airports.

Both bills would increase our capacity to crack down on criminal syndicates that smuggle immigrants into the country and place them at great risk. They would create new criminal penalties for evading or refusing to obey commands of immigration officers and new criminal penalties for financial transactions involving money laundering or smuggling. They would create new fraudproof biometric immigration documents; direct increased resources to antifraud detection; and improve coordination among Federal, State, local, and tribal agencies to combat alien smuggling.

Both bills would increase cooperation with Mexico to strengthen that country's southern border to prevent illegal migration from Central America through Mexico into the United States. Both bills would facilitate cooperation with other governments in the region to prevent international gang activity.

In addition, both bills would reduce the job magnet in America by creating a universal electronic eligibility verification system so that employers can determine whether potential employees are authorized to work in the United States—very important. That does not exist today, and it is the basis of a great deal of the abuse that currently exists. It is one of the principal reasons the 1986 act was a failure.

They had a provision to adjust the status of amnesty in 1986, but there would also be the requirement for ensuring that we were going to have the vigorous enforcement. It never happened, never existed because we were unable to develop the kind of verification that is so important. We do that under this legislation.

Both bills will substantially increase the penalties on employers that fail to comply with eligibility verification rules. And both bills will add 5,000 new enforcement agents to back up these provisions. We have had virtually no enforcement whatsoever. That has existed under Republican and Democratic administrations. But under this legislation, we will.

The Frist bill places greater emphasis on border fencing, a method of immigration control which we believe has proven ineffective over the last 10 years. The Judiciary Committee bill imposes new penalties on individuals who construct, finance, or use unlawful tunnels under the border. We believe this approach is important for enforcement. Senator FEINSTEIN has said these tunnels are one of the various methods immigrants now use to circumvent border fencing.

The real difference between these two bills involves what we do in addition—in addition—to these tough, new enforcement measures. Over the last week, we have heard two very different answers to this question, reflecting fundamentally different views of immigrants and the steps we should take to reform.

The Frist bill follows the lead of the House of Representatives. It treats immigrants as criminals. In fact, the Frist bill declares that all undocumented immigrants are criminals. It goes further than that, actually making it a felony to provide undocumented immigrants with nonemergency humanitarian assistance.

In bipartisan votes, two-thirds of the members of the Judiciary Committee rejected these measures because they conflict with our basic values, and they would do nothing to actually reduce the number of undocumented immigrants in this country. This is one reason why at least 184 religious groups support comprehensive reform with a path toward permanent status instead.

This is what they call the Cardinal Mahony provision, where Cardinal Mahony says his challenge is to deal with and help the poor, not to check their immigration status. When a mother consults and asks the cardinal, ''My child is sick. Should I be going outside the country and returning to Mexico?'' and Cardinal Mahony would say, ''Your responsibility is to your child,'' that is aiding and abetting someone from returning to Mexico, and under the House bill they would be guilty of a felony. We are doing that for those who are members of the clergy, humanitarian organizations, nonprofit organizations. It is absolutely wrong. As Cardinal Mahony said, it is the most vicious piece of legislation he has ever seen.

So our bill is not just tough on immigration enforcement; it also takes the necessary steps to make enforcement effective. We have tried enforcement, and what we have seen over the last 10 years is how it has failed.

Ten years ago, there were 40,000 illegal immigrants who were coming into the United States. Now there are more than 400,000. We have spent $20 billion. We have increased border guards 300 percent over that period of time. We have created 66 miles of fencing along the border in the South. We have 1,800 miles to go along the Mexican border, 4,200 miles to go along the Canadian border on this.

We have to try. This has been a bankrupt policy. And to try to just do enforcement—enforcement only—is not going to work. How many more billions of dollars do we have to spend?

Our program is so much more efficient. The reason why is, we give focus and attention to those who are the troublemakers, the criminals, and those who are going to be dangerous to Americans.

The Border Patrol will be targeted in using its resources on those who are a danger to the United States, not chasing gardeners around the desert in the Southwest, which is happening now. That is a very major difference.

People who talk about national security understand this. That is why Secretary Chertoff testified we needed a comprehensive approach. That is an understanding. We understand this is a national security issue. As well as preserving and protecting our borders, it is a national security issue. We understand that. We have taken the steps in our enforcement provisions to make sure that is the case.

It is also dealing with our whole march toward progress in terms of opening up economic opportunity. And most importantly, I think it is a value issue about how we are going to treat individuals who work hard, love their family, play by the rules, pay their taxes, want to study English, want to be good citizens, and in many instances enlist in the military forces—70,000 of them over in Iraq and Afghanistan, in the service. Many are serving in Afghanistan.

That is the profile. That is generally the profile of what we like for our fellow Americans. Ninety-eight percent of the undocumented male workers are working today in the United States of America. These are hard-working people, trying to provide for their families.

It is interesting, to divert for a minute, the incidents, for example, of families staying together is much higher among those groups than the native population. There is a greater expenditure in education as to their children than among the native population, a much greater expenditure in terms of music and the arts as compared to the native population, a much greater evidence of attendance to church and religion as compared to the native population.

These are hard-working individuals who want to play by the rules. Under our particular legislation, they have to conform to the rules or they are out, and they have to do it for 11 years before they become a citizen—11 years—without running into any trouble, paying their taxes and doing what needs to be done. That is what is in our effort.

First, we strengthen the enforcement at the border and within the United States. We all agree with that point.

Second, we provide a path to legal status which will bring the 11 million undocumented immigrants already within the United States out of the shadows, and disrupt the culture of illegality which now corrodes our system.

Third, we must provide legal channels for future immigration flows so that U.S. employers who are unable to attract native workers are not tempted to hire illegal immigrants. And those procedures are outlined.

I have heard many speak about the guest worker program, and they have not read the bill. For the most part, they have to advertise in the United States in their area or region in terms of the worker, and then the individual who is selected has to meet all of the other various criminal background checks, other kinds of security checks.

They come to the United States, and rather than being exploited—as the workforce is today—as an undocumented, they are guaranteed the worker protections in the legislation in terms of prevailing wage, Davis-Bacon, other provisions, service contract provisions.

So rather than depressing wages—as exists today, and without this legislation will continue—this elevates them. That is enormously important.

I want to mention a particular provision in our bill that is extremely important; that is, the Judiciary Committee took the long overdue step of enacting what we call the DREAM Act. Under the DREAM Act, undocumented immigrant children would be given an opportunity to become American citizens if they can prove good moral character, if they have graduated from high school, and if they go on to college or join the military.

Many of my constituents in Massachusetts are undocumented children who would benefit from this act. I wish to share three of their stories, provided by the Massachusetts Immigrant & Refugee Advocacy Coalition:

Mario has lived in Chelsea, MA, for the past 7 years. He is a stellar student, patient caretaker for his 4-year-old brother, and a leader in the community. Mario is currently facing deportation. In Mario's own words:

I did not make the choice to come to this country; however, over time this country has become my home. My time in the U.S. has consisted of nothing but hard work and positive service to the community and all I want is for that to continue. I see this country as my home, and I have always striven to do the right thing. I know that I have a lot to offer this country if I am only given the chance to do so.

Jessica was brought to this country when she was 3 years old, originally from the Dominican Republic. She graduated last year with honors from Madison Park High School in Boston but was unable to pursue her dream of studying psychology because of her status. Jessica was a member of the National Honor Society and an officer in the Marine JROTC. Jessica says going to college is the only way for her to secure a better future for herself and her family. The United States is the only country she has ever known.

Flavio graduated last year from the Burke High School in Dorchester. He made a complete turnaround from 9th grade to his sophomore year—he turned Ds and Fs into all As and Bs. When asked about his amazing turnaround, he responds that his mother sent him to this country to do something with his life and that is what he decided to do. He is a member of the National Honor Society, honor roll, captain of the track and soccer teams. He was accepted at Roxbury Community College but was not able to attend because of lack of access to financial aid or scholarships. Flavio's parents sent him to the U.S. at the young age of 11, hoping he would have a better life here than in Cape Verde.

These kids aspire to U.S. citizenship, and America benefits when they have a chance to earn it.

The Judiciary Committee bill includes enhanced enforcement, earned legalization for those who are here, and a realistic guest worker program for the future. This is a real comprehensive plan for repairing our broken immigration system, and it is not a campaign slogan.

First, many of those who oppose real comprehensive reform have mischaracterized our arguments in recent days, and they have introduced a number of amendments which would undermine our reform efforts. So let me set the record straight.

First, let me set the record straight on amnesty. Our bill does not provide undocumented immigrants with amnesty. Amnesty, by definition, is an automatic pardon or free pass granted to a group of individuals without requiring any actions in return.

Mr. President, I understand I only have 5 minutes left, 4½ minutes. Am I correct?

The PRESIDING OFFICER (Mr. COLEMAN). The Senator has 13 minutes left.

Mr. KENNEDY. Thirteen.

Well, in any event, let me go through very quickly the earned legalization requirements.

First, you must have entered and continuously resided in the U.S. before January 2004; must remain continuously employed; must pay $2,000 in penalties; must pass security background checks; must pass a medical exam; must learn English; must learn U.S. history and government; must pay all back taxes; must get to the back of the line behind all applicants waiting for

green cards; and, after obtaining a green card, must wait another 5 years before becoming eligible to apply for naturalization.

There it is. Amnesty means pardon and forgiveness. This is what they have to do.

They have to continue to earn for 11 years. That is the fastest you can gain it, 11 years. And you have to earn it every day by not only paying your penalties but meeting the security checks, learning English and history, paying all of the taxes. That is what is included. That is why many of us who are supporters of it resent, quite frankly, the distortion and misrepresentation that has been made on the floor. I have listened to it. Here in this Chamber people have mischaracterized our legislation, and then they differ with it.

It is interesting because so many of our Republican friends have been able to understand the legislation. George Will understands this. Brit Hume, who is a commentator on FOX, certainly understands it. He spelled it out. Bill Kristol, who is a conservative spokesman, understands it. He actually supports it. The list goes on. They understand what this is about. That is why it is troublesome when we hear some of our colleagues on the other side repeatedly misstate what this is about. I can understand if you state correctly what it is about and you differ with it. I will differ with you, but I can understand and respect it. But what is happening is a complete distortion and misrepresentation as to what we have.

On law enforcement, this is the language from the legislation: The requirement to eliminate the visa backlog. If the backlog of applications for family-based and employer-based immigrant visas is not eliminated within the 6 years following the date of enactment, as predicted under the formula set out in title V, the amendments made by the title, the Secretary shall hold in abeyance an application—that means you go to the end of the line—submitted by an alien granted conditional nonimmigrant work authorization.

Those are the two aspects of it: the one that sets out the requirements of what an individual is going to have to do in 11 years and this provision in the legislation that says they will go effectively to the back of the line. That is how we deal with the 11 million individuals who are here. I have listened a little bit to the arguments against this provision, but what we have not heard is what the other side is for.

You are against our provision. What are you for? Are you for deportation? Where is your $240 billion—that is the best estimate—to move these individuals out? Who are they? They are the parents of American citizens, in many instances, disrupting families, disrupting relationships that have been going on for years. It would take the buses to go from San Diego to Anchorage, AK, bumper to bumper, if we were to deport 11 million people at $240 billion.

They are all so eloquent, those who differ with us. But you never hear what they are for. They just happen to be against this provision which is an essential part of this whole effort. That is something which is important.

I see my friend and colleague here who wants to address the issue. I have other comments, but I will come back a little later in the afternoon and address them. I hope we can move along. I know there are a number of amendments that have been examined and are acceptable. I hope we move those along. I hope we move to a point where we can have some votes and make a determination on the judgment of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me say about my colleague, the senior Senator from Massachusetts, that in the 44 years he has been here, he has been one of the Senate's—the Senate's, probably—leading spokespeople for a fair, sensible, value-based approach to immigration. I have been here for a couple of the fights on immigration we have had, having come to the Senate in 1985. But I have never seen somebody as careful and as deliberative and as thoughtful about how to balance the equities that are involved in this issue and, most importantly, somebody who never forgets what defines this country. It is not just immigrants who understand what Senator KENNEDY has been fighting for. It is those who really understand, such as the people Senator KENNEDY was talking about—Bill Kristol, George Will and others, conservatives who understand the values as well as the pragmatic issues which define this question of immigration. So I thank my colleague for his many years of leadership on this and for the experience which he brings to the debate.

Obviously, this debate matters enormously to our country. There is no doubt that Americans in every State in the Union and people around the world are watching what we do and how we do it. We have witnessed a remarkable demonstration of public protest and of civic participation in cities across America. In the Senate, in our communities, we are once again wrestling with difficult issues. These are not easy. Nobody is suggesting they are easy. But the question of immigration reform is an issue that goes to the heart of who we are as a people and that defines us as a nation. It is an issue that has historically divided us, revealing that sometimes humanity and courage are side by side with isolationism and fear and sometimes, sadly, even bigotry.

We may be divided today, as we try to figure out how we are going to go forward here, but I don't think there is any Senator who disagrees about our past and our heritage as a nation of immigrants, of people who have come to the United States in search of a better life and freedom, of opportunity, and who want to have their voices heard. We also all agree that our current immigration system is broken. We agree that more resources have to be sent to the border in order to strengthen enforcement, to add more Border Patrol agents, and invest in new technologies.

I spent a number of years as a prosecutor. I didn't have to deal directly with immigration at the county level, but I certainly saw what a lack of resources did, in a prosecutor's office, to our ability to pick the crimes that we were prosecuting, our ability to prioritize certain kinds of crimes to move through the judicial system. The fact is, had it not been back in those days for an extraordinary infusion of Federal dollars through the Law Enforcement Assistance Administration, we never could have done half the things we did—like priority prosecution so you could take any felony from arrest to conviction in 90 days, Federal money made that difference; where we could have a rape counseling unit, one of the first in the country, Federal money made that difference; where we could have a victim witness assistance program so people would be helped through the criminal justice system, Federal money made that difference.

Here we are with less border guards on our 2,000-mile border than we have police officers in the City of New York. They don't have the resources. So as we stand here and debate this issue in the Senate, we need to be honest about our own responsibility for the situation we find ourselves in today. This is not something a Republican President did or a Democratic President did or a Republican Congress/Democratic Congress. It is something the United States has allowed to take shape over the last 30, 40, 50 years. It is not new. And you can't come in and sort of bring down a wall and say: OK, we are going to do enforcement and forget about the magnet that already exists, the inequities that have already been put in place because a whole bunch of people knew the borders were porous, because a whole bunch of people knew employers would hire them if they came here illegally which, incidentally, is against the law. But where are the prosecutors prosecuting that in the past? It hasn't been happening.

So our system is broken. What we need to do, consistent with our values and history as a country that has welcomed and honored immigrants, is to deal with the current situation in a realistic, open, fairminded way that tries to find the common ground between us.

I believe we can do that, but it is a problem we have to think about from both sides. I have spent some time in the last months, knowing this debate was going to take place, meeting with members of the Congressional Hispanic Caucus and trying to understand how people are thinking about this. How does somebody who has come into the country, who has been here for 15 years, 20 years, who has raised their

kids, whose kids have friends, who has gone to the local school, who is going to college now, how do they see this? How do we all see this?

We have 11 million, approximately, undocumented immigrants living and working in the United States. The Nation's employers want these people, evidently, because they are hiring them. It is against the law to hire them, but they are hiring them. How many Americans have gone down to a street corner and hired somebody or had somebody mow the lawn or somebody come over to the house to clean out the garage or do something and paid them cash?

The fact is, there are low-skilled, low-wage jobs that a whole bunch of Americans don't want to necessarily fill. I know during the 1990s, we reached an unemployment level of about 2 percent plus in Massachusetts. I believe it was around 4 percent as a nation, effectively full employment in the United States. Still there were a whole bunch of low-wage jobs people didn't want to do. There simply aren't enough visas for the people who want to come in to do those jobs and for the jobs that people want to have done to fill. And with the lure of higher paying jobs than in their home countries, workers come in to fill them. That is a centuries-old reality, not just here but in countries all around the world.

The system that employers are supposed to use to verify the legal status of employees is fundamentally weak. It is subject to exploitation by everybody. The workers can exploit it by getting false documents, and the employers can exploit it by ignoring documents that they know are false or by avoiding the requirement to comply with the law.

Our challenge here in the Senate is not to demagog this issue. It is not to say: Boy, if we just enforced the border, that is the whole deal.

It is not the whole deal. Everybody who has thought about this issue in any serious way knows that is not the whole deal. If we are going to deal with 11 million undocumented workers who are currently living in the shadows in America and be fair to our history and our values, we have to create a comprehensive reform program. Some people on the other side of the aisle suggest all we have to do is shut down the border and that is it, just shut the border. They believe the approximately 11 million undocumented immigrants currently living and working in America are going to return home. Are they serious? People who have a job, paid their dues, paid their taxes, didn't get in trouble, kids are in high school about to graduate or in college, they are going to pack up and go home? Back to what?

For those who won't leave voluntarily, these people believe we are going to have all our police officers and everybody go out and find them and round them up and deport them. How would you do that? How do you find 11 million people who are living in the shadows? How are you going to compel them to leave? What are you going to say to their children and grandchildren and the businesses and the communities that depend on them? What is the image going to be around the world? You can see the cartoons as the United States is busy rounding up these folks, herding them into buses, sending them back.

George Will summed this up pretty well in his column last week. He wrote:

> Of the nation's illegal immigrants—estimated to be at least 11 million, a cohort larger than the combined populations of 12 States—60 percent have been here at least five years. Most have roots in their communities. Their children born here are U.S. citizens.

Those children, because they were born in the United States, are U.S. citizens; that is what our Constitution says. So are we going to separate parents and grandparents from American citizen children?

> We are not going to take the draconian police measures necessary to deport 11 million people. They would fill 200,000 buses in a caravan stretching bumper-to-bumper from San Diego to Alaska—where, by the way, 26,000 Latinos live. And there are no plausible incentives to get 11 million to board the buses.

That is what George Will said.

Mr. President, offering up border enforcement as a panacea is a great political talking point. You can go out, and there are places where people will stomp their feet and clap their hands and say: Isn't that true? But it is not a real strategy, it is not a way to fix our broken immigration system.

I am also troubled by the anti-immigrant statements made during this debate, which expose a limited understanding of the role of immigrants and immigrant workers and the role that they play in the fabric of our economy and our society and our communities. Most troubling is, I think, that these statements are statements that are made to try to divide people. For example, arguing against the need for immigrant labor, Congressman DANA ROHRABACHER said:

> Let the prisoners pick the fruits. We can do it without bringing in millions of foreigners.

According to Congressman BOB BEAUPREZ:

> If we continue down this path that the Senate has established, . . . we will have created the biggest magnet ever. It would be like a dinner bell, ''come one, come all.''

Congressman STEVE KING says that anyone who supports a guest worker proposal should be ''branded with a scarlet letter A,'' for ''amnesty.''

Congressman TOM TANCREDO wants to turn America into a gated community, warning people that among the people crossing our borders are ''people coming to kill me and you and your children.'' He laments the ''cult of multiculturalism'' and worries that America is becoming a ''Tower of Babel.''

I would like TOM TANCREDO to go over to Iraq, where there are 70,000 legal immigrants serving this country, and ask them how they feel about a ''Tower of Babel'' and about the values of this country.

These statements do not reflect the contribution that immigrants have made to our country over centuries. They don't reflect the contributions that they make today. Most of us in this country—almost all of us in this country descend from immigrants. That is who we are. I am privileged to be married to an immigrant, who didn't become an American citizen until, I think, she was 24 or 25 years old.

I know how loyal people can become to a country that welcomes them and gives them the ability to fulfill the American dream. The vast majority of the American people understand the value that immigrants provide to our country. They understand that enforcement alone is not going to work, and they have taken to the streets to make their voices heard. Half a million people demonstrated in Los Angeles to protest an enforcement-only approach to immigration reform, far surpassing the number of people who protested the Vietnam war. More than 10,000 people participated in the ''Day Without Latinos'' rally in Milwaukee, WI, leaving their jobs and marching through downtown. Similar walkouts occurred in other parts of the country with students and laborers protesting enforcement-only immigration proposals such as the House bill. Churches and humanitarian organizations have become actively involved in the fight for comprehensive immigration reform. In fact, yesterday I spoke with Hispanic evangelical leaders from across the country about their concerns regarding the immigration crisis in our country. Cardinal Roger Mahoney, the archbishop of Los Angeles, has spearheaded an effort by the Roman Catholic Church to defy the House bill that criminalizes immigrants and the organizations that help those immigrants.

You heard my colleague, Senator KENNEDY, talk about what would happen if somebody reaches out to the poor, the needy, the sick, which is a fundamental tenet of any religion. And this bill in the House wants to criminalize that.

The people are making their voices heard. They understand what is at stake in this debate. They understand the role that immigrants play in this country, and they are fighting to ensure that we end up with a fair humanitarian, realistic solution. Now, while some people look at enforcement only—incidentally, let me say that during the election of 2004, I spoke up as forcefully as I could in New Mexico, Arizona, Colorado, and lots of places where there are lots of immigrants. I consistently said that you have to have comprehensive reform. I didn't just talk about earned legalization or about guest workers; I talked about the need to crack down on businesses that are illegally hiring people. We need to have

a simple and honest way for people to know who is applying for work.

This is common sense, particularly in a post-9/11 world, where it is important for American security to know who is coming into our country. So we need to do that. You cannot look at enforcement-only but rather the comprehensive bill like that which is being considered on the floor of the Senate. I am encouraged by what the Judiciary Committee, in a bipartisan bill, did, which is now a full substitute to Senator FRIST's bill, and that is the bill offered by Senator SPECTER.

As Senator KENNEDY and others have said, the Specter amendment has the four cornerstones of real immigration reform. You cannot do it without all four. No. 1, you have to have a strengthening of our border enforcement. That means using all of the latest technology to build a virtual fence—use the sensors that we have available in the military, use the cameras and technology, and use more human presence to add to the Border Patrol that is currently there; make sure enough vehicles are there, which is an amendment I intend to offer if we get into the substantive part of the debate. It has been much neglected through the years by all in strengthening the border.

Second, regulate visas in order to meet the work flow needs. And you have to do it in a more effective way than we have in the past.

Third, you have to provide a path for legalization for people who have been here for a long period of time, played by the rules, raised their families, and have children who are American citizens. We need to find a way to do that so that it is not, as some of our colleagues on the other side of the aisle say, opening the door and making a fool of the law. I am not for doing that. The law has to mean something.

Indeed, in this bill, from 2004 forward, there is no eligibility for people to have earned legalization. It shuts the door after 2004. It brings down a wall but in a comprehensive way that has a starting point that says: OK, we acknowledge that for a long period of time we didn't have a realistic system, we were not able to stop people from coming in. What is the fairest way to deal with this problem, to send notice in the future that this is a new get-tough policy in the United States and a policy that will be backed up by adequate border security, by a realistic visa program that commands respect of people, and by a legitimate effort to bring people out of the shadows, which also commands the respect of people everywhere.

Finally, we need to help employers enforce our laws. You have to have a way for the employer not to be turned into a police officer but to easily, and with certainty, be able to determine whether the documents they are looking at are real and whether the person they are looking at, presenting the documents, is the person that it purports to be.

Mr. President, the Specter amendment is tough on border security. It is important because this debate has gone on as if there is a bill out there that is for border security—the Frist bill and the House bill—and this other bill that somehow is not. That is not accurate. The Specter amendment is tough on enforcement and border security. Almost every provision of the other bill—the Frist bill—is in there. And it is unfair to assume that it doesn't have strong enforcement provisions.

The Specter substitute doubles the size of the Border Patrol by adding 12,000 new agents over the next 5 years. It doubles interior enforcement by adding 5,000 investigators over the next 5 years. It adds new technology at the border to create the virtual fence that I talked about. It expands the exit and the entry system at all land and airports. It mandates a new land and water surveillance plan, and it increases the criminal penalties for violating our immigration laws.

That is a tough bill with tough enforcement. It also addresses the reason that undocumented workers come to this country. They come to this country looking for jobs, and the demand for labor in our country is one of the things that pulls them here. So workers cross the border because we don't have enough visas to be able to permit people to cross legally, so they come illegally. Guess what. They get a job when they get here. That is illegal.

One of the key elements to stopping the illegal flow of workers across the border is to increase the number of visas for people to come legally and also to have an adequate ability for the employer to have no excuse for not knowing the legality of the people who work with them. There should be a no-fault system here, where there is an automatic presumption of the employer's ability to enforce.

The temporary worker program that is created by the Specter substitute, in my judgment, will help to regularize the flow of immigrant workers in and out of this country. I understand some people fear allowing temporary workers into the United States. They think it will hurt American workers and depress their wages. Again, that is a phony ''bogeyman.'' That is a red herring in this debate. Either people have not read the temporary worker program or they chose to allow themselves to be completely misled by it.

The temporary program has labor protections and it has market wage requirements. The worker has to receive at least the same wage as someone similarly situated or at the prevailing wage level for that job, whichever is greater. So there is a wage enforcement mechanism that will not allow that depression.

The workers will receive a 3-year visa, reviewable for 3 years, and have the ability to curb employer abuse by switching jobs. And in addition, after working 4 years, they can petition for a green card. So the temporary worker program meets the labor needs of employers while at the same time remaining flexible enough to accommodate changes in the marketplace.

Equally important is reducing the backlog of people who are waiting for visas. Mr. President, 260,000 new family visas and 150,000 new employment visas will be added each year. Thirty percent of the employment visa pool will be reserved for essential workers. And perhaps most importantly, those currently waiting for visas will be processed before any of the current undocumented workers.

This is critical. When people talk about this somehow being an amnesty, they are completely ignoring the 10 steps you have to go through—the last of which is the most important of all—that you go to the end of the line. You don't somehow get a free pass card that automatically puts you in; you go to the end of the line.

So the numbers of documented people are already there ahead of those who are undocumented; and if you are coming in undocumented, you not only have to learn English, have a health exam, and have a security background check, and you not only have to be legitimately employed and all these things, but you also go to the end of the line. That is not an amnesty.

The Judiciary Committee bill also provides a realistic way to deal with the 11 million undocumented workers who are already here. Senator KENNEDY went through those 10 different steps. I will not repeat them now, except to emphasize the last point I made about the back of the line.

I think those are pretty onerous burdens. They are tough burdens. They require all back taxes to be paid—tough burdens. It is not forgive and forget. It is meet a standard. It is live up to a standard.

The final piece of the immigration reform puzzle is how do we create a workable employer verification system. We don't want to, but we need to, unfortunately, rely on employers to be part of the system. We don't want to turn them into immigration bureaucrats. We don't want to turn them into police officers, but it is inevitable if we are going to have a legitimate comprehensive system that when somebody presents credentials to an employer, the employer can't cheat, the employer can't look for a way around it.

The employer has to be part of this system of the values of America that say there are people waiting in line, there are people going through the visa system. We are spending money on the border. We need you to be part of this system. It is going to take an educational effort by chambers of commerce and small business associations and other efforts around the country so that there is an ethic in America that is not willing to cheat. And if that ethic was put in place, we would do more to stop illegal immigration than any other single item because people

won't be able to find the work. I personally think it is the single most important part, together with the Border Patrol component itself, of having a comprehensive immigration program.

Currently, however, employers don't have a reliable system for checking the validity of Social Security numbers, and we know how many Social Security numbers have been stolen. We have a problem for all Americans with the theft of Social Security numbers. So we need to deal with that problem even as we deal with this question of verification of employees.

The Specter substitute creates a system that will enable employers to quickly and accurately verify a potential employee's legal status. The last immigration reform we passed in 1986 was intended to address the root causes of illegal workers coming across to the United States, but it failed to draw all the illegal workers out of the shadows, and that really has helped lay the groundwork to people's cynicism and skepticism, which I understand, about today's system.

The reason we are in the crisis we are in today is because we have never really been comprehensive. That is the problem. I believe the Specter substitute amendment that the Judiciary Committee worked so hard to create and pass in a bipartisan fashion does not make the same mistake that was made in 1986.

There is one other aspect of the bill I would like to mention before yielding the floor. I have supported for many years the DREAM Act. The DREAM Act will enable young people who have spent most of their lives in the United States, who believe in our country and have stayed out of trouble, to have a chance to get a crack at higher education, which is essential. It gives incredibly bright and capable young people a real chance at success, and it gives our country well-educated, hard-working citizens. I think including the DREAM Act in comprehensive immigration reform makes sense, and I am pleased the Judiciary Committee, led by the efforts of Senator DURBIN, included it.

There are a number of amendments—I am not going to go into all of them now—but there are a number of amendments on Border Patrol, making sure the Border Patrol agents have sufficient tools, GPS, other items. Also, I want to eliminate the ability of the administration to have a completely unreviewable authority to make the full decision on an individual's life. The Secretary of Homeland Security, the Attorney General, and consular officials who currently have the sole and final authority really will have an undue impact on detention, deportation, citizenship determinations, and other issues. We need to somehow not have concentrated power in so few hands.

In the end, the Specter bill is a comprehensive bill. It has the chance of bipartisan support. I think it is a courageous bill. I congratulate the Chair and the members of the committee who fought so hard to come up with something under difficult circumstances, and I hope we are going to be able to get a chance to fix that bill and amend that bill appropriately on the floor. I hope that will be the vehicle the Senate proudly embraces as a reflection of the values of our country and the proper amount of respect for the history we have traveled.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I begin by expressing my appreciation to the Senator from Massachusetts for the kind things he has had to say about the so-called Specter bill, the committee bill. But we can't move forward on legislating with that bill until there is an opportunity for Members of the Senate to offer amendments. We do not have a system where a Senator, even ARLEN SPECTER, offers a bill and it becomes the will of the Senate, it is passed by the Senate without having Senators having an opportunity to offer amendments.

It appears now late on Tuesday afternoon, almost 4 o'clock, that there is a calculated effort by some not to permit this bill to go forward.

We started on this bill on Wednesday afternoon, but we couldn't vote on Thursday until we had sort of a bed check vote. That means one which was going to be unanimous but not a meaningful incursion into the tough issues to try to start to work the will of the Senate. We had a vote at 3 o'clock on Thursday afternoon, but all day Thursday, most of the day, was consumed by debate and not very pointed debate, fairly generalized debate which didn't advance the legislative process very much at all.

Then on Friday, the Senate was in session, but nobody was around. We couldn't offer amendments because the other side of the aisle, the Democrats, wouldn't permit us to.

Then yesterday we structured a couple of amendments on which there was really no objection and voted on them pretty much pro forma.

We are searching for a way to bring up amendments to vote on today and couldn't do that. Then this morning, as the record will show, the distinguished ranking member of the Judiciary Committee offered a unanimous consent request for speeches. When we discussed the matter, we were told that there wouldn't be any opportunity for votes until the party caucuses were finished.

So we twiddled our thumbs, bided our time until 2:30, and then the majority leader called a meeting of Senate Republican Senators to try to find a compromise among disagreements within the Republican caucus. He was waiting for a call back. Finally, we had word that the minority leader had a news conference, and this is what happened, in part, at the news conference. I have a transcript.

Question: Senator SPECTER was very frustrated this morning at a press conference, saying that work is not really being done because the Democrats are not letting there be votes on amendments, and he can't get agreement on votes on some of the major amendments.

Could you tell us why it is that your strategy suggests—

And then an interruption by Senator REID.

Maybe ARLEN SPECTER has been so good at what he did in committee that we shouldn't be worried about a lot of amendments.

It would be nice if ARLEN SPECTER was so good, we wouldn't have to worry about a lot of amendments. But let me confess, admit to the totality of the circumstance, that I am not that good, or perhaps I am that good, but my colleagues don't think I am that good and they want to offer amendments. Other Senators want to offer amendments to my bill, so that when Senator REID says maybe he is so good we shouldn't be worried about a lot of amendments, people want to offer amendments. Two are on the floor now, Senator KYL and Senator CORNYN.

Then there was a question by one of the reporters not identified:

But if the shoe was on the other foot, wouldn't you be asking for your day on the floor?

Senator REID:

The shoe's not on the other foot.

That is a pretty conclusive answer. A little while later in the press conference:

Senator REID, Republicans are saying that you're not allowing amendments to be voted on the floor. Is there a reason for that?

Senator REID:

Well, first of all, at my caucus I indicated to those people there who are interested in understanding where the amendments are, want to offer amendments, to talk to Senator LEAHY's staff, Senator KENNEDY's staff, Senator DURBIN's staff. They're putting together all those amendments.

And we're happy to take a look at amendments that don't damage the integrity of the bill. But if it's going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have votes on those amendments.

I have been around here a while, but I have a hard time understanding that last sentence. I have a hard time understanding:

And we're happy to take a look at amendments that don't damage the integrity of the bill.

The integrity of the bill under Senate procedures is established by votes by Members on amendments. That is how you establish the integrity of the bill.

Then Senator REID goes on:

But if it's going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have votes on those amendments.

I don't believe there is the power or authority in any Senator or group of Senators to validate, conclude that what other Senators want to offer by way of amendment denigrates the bill and is the basis for not having votes.

We have pending 100 amendments. It is an exact number. It just happens to

be 100 precisely. There are 6 amendments pending at the present time: Senator FRIST on the study on border deaths; Senator KYL on nonimmigrant work authorization; Senator CORNYN on a second-degree amendment to Senator KYL's amendment on nonimmigrant work authorization; Senator ISAKSON on no guest worker program without border security; Senator MIKULSKI on extension of returning worker exemption; Senator DORGAN on Canada travel without passport.

There had been a suggestion that we would vote on Senator KYL's amendment side by side with an amendment by the Democrats. Although I believe such an amendment has been produced by the Democrats, they are unwilling to permit us to vote on it side by side.

Mr. KYL. Mr. President, will the Senator yield for the purpose of a unanimous consent request?

Mr. SPECTER. Mr. President, I will on the condition that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, to verify what the chairman of the Judiciary Committee has just said, I ask unanimous consent that we proceed to the regular order for a vote on amendment No. 3206, which is the amendment I offered last Friday to which Senator SPECTER just referred. There is a second-degree amendment that was offered by Senator CORNYN, and there is the text of an amendment that I have possession of that was, I believe, produced by Senator KENNEDY that would be the Democrat side-by-side amendment, and we could vote on that amendment after the vote on the second-degree amendment and my amendment No. 3206. So we can determine right now whether the Democratic leadership is preventing us from having votes on amendments, such as the amendment that I filed last Friday.

I ask unanimous consent that we proceed to the regular order and that my amendment No. 3206 then be pending and proceed to a vote on that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, will the chairman of the Judiciary Committee yield for the purpose of my propounding another unanimous consent request?

Mr. SPECTER. I so yield on the stipulation I not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, this unanimous consent request is simply to send to the desk amendment No. 3246, an amendment that Senator CORNYN and I would like to send to the desk.

Mr. REID. What is the question?

Mr. KYL. To lay aside the current business and send to the desk amendment No. 3246.

Mr. REID. I object.

Mr. KYL. There is objection heard to that?

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I renew the unanimous consent request by the Senator from Arizona, Mr. KYL, for a vote on his pending amendment at 4:30 p.m.

Mr. REID. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I renew the unanimous consent request by the Senator from Arizona for a vote on his amendment at 5 o'clock.

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. I renew the request of the Senator from Arizona for a vote on his amendment at midnight.

Mr. REID. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. We are witnessing here a new procedure in the Senate that I am not familiar with, and that is legislating by press conference.

What we have before the Senate now is a rare moment of bipartisanship. We have a bill that came from the Judiciary Committee in a bipartisan fashion. It is strong bipartisan legislation that strengthens our national security. We need to move forward.

We have reviewed the list of amendments filed by both sides. There are several good-faith amendments that are intended to improve the bill without damaging the integrity of the committee product or which are not designed to score political points. We are ready to schedule votes on these amendments at the right time.

However, it is important that we take advantage of the bipartisan momentum behind this bill and keep moving forward. We must not allow this strong bipartisan legislation to be torpedoed for reasons that probably are very partisan. We on this side are united behind a comprehensive immigration reform bill, a bill that is bipartisan, and we are ready for prompt action on this bill. So I object to voting at midnight.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may proceed with a colloquy with the distinguished Democratic leader, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I very much appreciate the high compliment by the Senator from Nevada to this superb bipartisan bill crafted by Senator LEAHY and myself, and I wish to see the bill passed. I have worked very hard on it, including a marathon markup last Monday.

May I ask the Senator from Nevada when is the right time to consider amendments?

Mr. REID. As I said, Mr. President, staffs are looking at it. It is my understanding there are 70 to 100 amendments that have been filed; is that right?

Mr. SPECTER. One hundred.

Mr. REID. We are in the process of looking at those. As you have to do on any bill, you have to decide, when you have a bill that is as large as this, what amendments are going to be decided to be voted upon. It can't be decided on one side; it has to be decided by both sides. The only way we are going to get votes on amendments on this most important bill is to have both sides agree on them, and we are in the process of doing that right now.

I indicated—as the distinguished Senator from Pennsylvania indicated—in my caucus today, I said that staff would be working just as I outlined. It can't be done in 5 minutes or 10 minutes; it will take a little bit of time. But this is an important bill. It deals with our national security, it deals with a guest worker program, and it deals with a path to legalization for 11 million or so people.

I will say to my friend, the distinguished chairman of the Judiciary Committee, that I think the work the Judiciary Committee did on this piece of legislation is extraordinary. It is good. Frankly, I was very pleasantly surprised at the complexity of the bill and how good it was. I like the bill as it is. That is my personal feeling. So I am willing, as I have indicated, to work with Senator LEAHY and his staff, Senator KENNEDY and his staff, Senator DURBIN and his staff, and we will look at these amendments and see if we can agree on a bipartisan basis what amendments should be decided here—or voted upon, I should say.

Mr. KYL. Mr. President, will the distinguished chairman of the Judiciary Committee yield for a question, please?

Mr. SPECTER. I do, on the condition that I don't lose my right to the floor.

Mr. KYL. Mr. President, I think I misspoke a while ago and talked about the amendment that I introduced last Friday—actually, it was last Thursday—that Senator CORNYN and I, and I believe Senator GEORGE ALLEN is a cosponsor—introduced, amendment No. 3206.

My question to the chairman is this: In the bill, there is a variety of benefits that are provided to illegal immigrants who are in the United States today in that they are allowed to gain a legal status which can lead to legal permanent residency, sometimes called a green card, from which one can apply for citizenship. There are some conditions attached to that. Is it not correct that the amendment Senator CORNYN and I offered simply adds to those requirements, or those benefits, the additional requirement that the individual

seeking the benefit not have been convicted of a felony or three misdemeanors, or have violated a judge's order of departure from the United States?

Mr. SPECTER. Mr. President, the statement made by the Senator from Arizona is correct.

Mr. KYL. Mr. President, to the chairman of the Judiciary Committee, in your view, is that an amendment that is germane and relevant and very specific in that it would add one more requirement to the conditions that are allowed—with the benefits—that are allowed under the bill, and would it be your view that in no way would that be a nongermane or nonrelevant kind of amendment?

Mr. SPECTER. Mr. President, I would respond in the affirmative. I would add that this isn't an amendment which, in Senator REID's words, denigrates this bipartisan bill. I would say it enhances the bill.

Mr. KYL. Mr. President, if I could ask another question. As you know, there have been some competing bills filed, perhaps the two most comprehensive being the bill that was worked on in the committee and that came out of the committee in an amended form, and a bill Senator CORNYN and I introduced which, when introduced, was far more comprehensive, but some of the provisions of our bill were added to the bill that came out of the Judiciary Committee. Would it be your view it would be entirely appropriate for the Members of the Senate to have an opportunity to vote on the bill Senator CORNYN and I introduced and, therefore, that we ought to be given an opportunity to lay down our bill, an opportunity which would be denied if we continue this exercise of having objections to unanimous consent requests to lay down amendments?

Mr. SPECTER. Mr. President, the Senator from Arizona asks something that is preeminently correct, and that is the way the Senate functions. Senators have a right to offer amendments, and the so-called Kyl-Cornyn bill is the product of very extensive thinking, analysis, and preparation. A good part of it was incorporated into the chairman's mark. And certainly Senator KYL and Senator CORNYN are within their rights in asking for a vote on it.

Mr. KYL. Mr. President, if I could ask a final question of the chairman of the Judiciary Committee. Notwithstanding the fact that through your good offices a bill was shepherded through the committee, a bill which you support and are prepared to vote on and vote for, it would be your view that a denial of our opportunity to offer an amendment as an alternative would be improper and inappropriate and an obstructionist tactic to prevent the Senate from working its will in having an opportunity to consider differing points of view on this important and complex subject?

Mr. SPECTER. Mr. President, yes.

Mr. CORNYN. Mr. President, would the Senator yield for a question?

Mr. SPECTER. I would, again, on the condition that I don't lose my right to the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection.

Mr. CORNYN. Mr. President, I ask the distinguished chairman of the Judiciary Committee if the offering of amendments during the course of a bill's consideration on the floor is the usual procedure to determine where consensus lies and in determining what the will of the Senate ultimately is, and whether the refusal of the Democrats to allow votes on these amendments is obstructing the work of the Senate?

Mr. SPECTER. Mr. President, the answer is decisively, obviously, yes.

Mr. CORNYN. And, Mr. President, if the Senator would yield for another question.

Mr. SPECTER. I do, on the same condition.

Mr. CORNYN. We are running up against a Friday deadline with a 2-week recess of the Senate long standing, and if we are unsuccessful in allowing any votes on amendments which are necessary to move this bill forward, where do you believe the blame would lie for the Senate's inability to successfully finish its work this week on this comprehensive border security and immigration reform bill?

Mr. SPECTER. Mr. President, I would respond by saying the blame would lie with those who have lodged objections to very reasonable unanimous consent requests, several of which we have heard here this afternoon.

Mr. CORNYN. Mr. President, if the Senator would yield for a final question.

Mr. SPECTER. I do, on the same condition.

Mr. CORNYN. Isn't it true that this bill for the first time manifests a tremendous Federal commitment to live up to the Federal Government's responsibility to provide additional Border Patrol agents and additional technology along the border to enable the United States of America to finally secure its borders and potentially prevent the incursion of criminals, even terrorists, and that each day that goes by, because of our inability to complete our business here on the floor, potentially exposes the country to further jeopardy in that regard?

Mr. SPECTER. Mr. President, my answer to that question is in the affirmative.

Mr. President, proceeding with the discussion with the distinguished Senator from Nevada, the Democratic leader, when he says there would be votes at the right time, the Kyl-Cornyn amendment was filed last Thursday. I agree with him that it takes time to analyze amendments, but hasn't there been sufficient time for the Kyl-Cornyn amendment to be analyzed and to enable the Democrats on the opposition or a side-by-side amendment, or whatever course they choose, to come forward and let us proceed?

Mr. REID. Mr. President, responding to my friend, it seems quite unusual that these crocodile tears are being poured out now because amendments aren't being considered. We have waited for years to have an amendment considered on raising the minimum wage. We have waited months and months to have a debate on amendments on stem cell research. I have trouble accepting the plaintive cries from the other side of the aisle in not having their amendments heard. With this Republican-dominated Senate, we have been unable to offer amendments, only two of which I have mentioned. We have tried and tried and tried.

This is the Senate, and we have 100 amendments pending. And the mere fact that the distinguished junior Senator from Arizona offers an amendment he believes strongly in does not mean it takes precedence over the other 100 amendments that have been offered. This is a procedure that has been followed for many years.

I would further say I simply don't accept the explanation of the amendment the distinguished junior Senator from Arizona has offered on this bill. First, the Kyl amendment, as amended by Senator CORNYN, would make classes—various individuals who would become part of a class of undocumented immigrants—ineligible for conditional nonimmigrant status and to earn their legalization; for example, immigrants who came through the visa program who overstayed their visas. Is that what we want to do? I don't want to do it: Make immigrants subject to expedited removal at the point of arrival. And did you know one of the definitions of aggravated felon that is in this legislation is somebody who has twice overstayed their visa?

So I like the bill we have before the Senate. I don't accept this amendment—the Kyl amendment—as one that improves the bill. It hurts the bill. It hurts the very foundation and what I believe is the spirit of this legislation.

I do not accept the fact that this good legislation which is now before the Senate will be improved by the Kyl amendment as modified by the amendment of the distinguished Presiding Officer. I believe the bill before us is a good bill and we should stick with it. That is what I want to do.

Mr. SPECTER. Mr. President, the response—or the words spoken; it was not a response—the words spoken by the distinguished Democratic leader are interesting, but they do not answer the question. The question was, have you had enough time to take a position on the Kyl amendment? And your analysis—

Mr. REID. The answer to the distinguished Senator is yes, I have had time.

Mr. SPECTER. Wait a minute. I am speaking here, and I will not interrupt you, Senator REID.

Mr. REID. I apologize very much.

Mr. SPECTER. Your analysis states that you had enough time to analyze it, review it, and you are opposed to it. When you mention stem cells, you are right. We should have voted on stem cells some time ago. I think I have complained more than you have about that. And you are right about the minimum wage. It ought to be raised. And I think you voted for it every time, but no more often than I have.

But we are now faced with the immigration bill. When you say that the Kyl amendment will not improve the immigration bill, my question to you is, isn't the way you express that by voting against it, by leading the charge against it, as opposed to preventing a vote on it? Isn't that the way the Senate functions?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, with all due respect to the distinguished chairman of the Judiciary Committee, he has been in this body a lot longer than I have, but I still understand the rules of the Senate. At this stage, as a Senator from the State of Nevada, I am not ready to move forward on the Kyl amendment. I do not have to explain in any more detail than I have why I do not want to move forward on it. I do not agree with the amendment. I don't think it is going to benefit this legislation pending before the Senate. I am going to do what I can to prevent a vote on it. I can't be more direct than that to the distinguished chairman of the Judiciary Committee.

Mr. LEAHY. Will the Senator yield?

Mr. SPECTER. In a moment I will, to Senator LEAHY.

When the Senator from Nevada says he doesn't have to explain, he is wrong. He thinks he does have to explain because this is a Senate proceeding by press conference. The Senator from Nevada accurately characterized some of the legislative process on this bill as legislation by press conference. Of course that has never happened before. I mean, it would just be antithetical to the workings of the Senate.

It is hard to walk down that corridor without holding a press conference involuntarily. You either hold a press conference or you are rude.

I can't do more by way of gesturing without drawing an objection from Senator BYRD. I once acknowledged the presence of the Penn State national champions in the gallery, and it was found by the rules that I was out of line.

But we do this all the time, and sometimes by design. A microphone is set up there frequently, and we go there voluntarily, and we utilize the ink and electronic equipment of the media. This little discussion here—more accurately called a charade—is for the media because we want to put some pressure on the Democrats to let us vote.

Senator REID has come out here to defend his position because he thinks he has to, because if he didn't think he had to, he wouldn't be here. He is too parsimonious with his time, which is very valuable. I daresay he has a long list of calls to return and a long list of calls to make and a lot of business to transact, and he came out to the floor because he thought he needed to state his position that there is a battle and that he is defending himself against the charge that the Democrats are stalling and holding up this bill.

It is late now. It is 4:20 on Tuesday afternoon. We only have—let's see—we only have Wednesday, Thursday, Friday, Saturday, and Sunday. We only have 5 days in this week to finish this bill.

I yield to the Senator from Vermont with the stipulation that I don't lose my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Vermont is recognized.

Mr. LEAHY. As the Senator from Pennsylvania knows better than anyone here, we can accomplish a great deal when we are able to work together. He and I and key members of the Republican Party and the Democratic Party worked very closely in the Judiciary Committee to report a bipartisan piece of legislation to the full Senate.

We reported a bipartisan bill, and I would like to vote on that. Here on the floor, we have voted on several amendments. We voted on the Frist amendment, the Bingaman amendment, the Alexander amendment. A Mikulski amendment is pending, which I believe could pass. We hope the other side will consent to take up Senator NELSON's amendment. Senator BROWNBACK and Senator LIEBERMAN have an amendment on detention and asylum. There is a Collins amendment, a Republican amendment on athletes; a Bond amendment; and another Republican amendment on natural science graduate students. Each one could be offered and voted on. There are a number of others we are working on.

I made a suggestion this morning to ask unanimous consent that Senators be allowed to talk about amendments they planned to offer. A Democratic Senator might speak for 15 minutes and then alternate with the Republican side, and so on, back and forth. The junior Senator from Arizona objected to that proposal. He has an absolute right, of course, to object.

I hoped that if Senators could come here and talk about amendments they hoped to offer, we might be able to work out some amendments in the usual way.

Up until the last few years, when there has been single-party control in Washington, we were always able to share one side's amendments with the other, to see if there were areas of compromise. We would work out a schedule on complicated bills like this one. Certainly, this is the practice followed by the distinguished Senator from Pennsylvania in committee. Because he ran it in such a fair way, and because Senators on both sides of the aisle were able to discuss their amendments, the distinguished Senator from Pennsylvania and the full committee were able to report a bipartisan bill. Unfortunately, we seem to have lost the ability to do that here.

If we could go back to the traditional manner of doing things, the better way of doing things, practices similar to those followed by the distinguished senior Senator from Pennsylvania, we could get somewhere.

As I said, we have already adopted a number of amendments. This is the practice I was suggesting when I received an objection this morning. I was hoping to set up a series of votes.

I am not suggesting that the Senator from Arizona was not within his rights. Of course, he was within his rights to object. But once he did, we lost the ability to set up that procedure which, I believe, in my own experience, would have let some amendments go through.

The distinguished Senator from Pennsylvania has been more than generous. The Senator from Pennsylvania has the floor. I yield to him.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. KYL. Will the Senator from Pennsylvania yield for a question to me without giving up his right to the floor?

Mr. SPECTER. I do. I will have a comment to make about what Senator LEAHY has had to say, but first I will yield to the Senator from Arizona on the condition that I do not lose my right to the floor.

Mr. KYL. I appreciate that. Because the Senator from Vermont referred to me and referred to my objection earlier today, let me ask the Senator, the chairman of the committee, is it not correct that my unanimous consent request this morning, in response to his, was that the two Senators from Florida be allowed to address the achievement of their Gators basketball team while the chairman of the Judiciary Committee, the ranking member of the Judiciary Committee, and any other members of leadership who needed to be a part of it, begin discussing exactly what the Senator from Vermont just now was saying needed to be discussed—namely, the order of speakers and the order of amendments that would be considered? And is it not further true that the Democratic side said that could be done only after the two lunches that would conclude sometime around 2:15 this afternoon? So it was not my objection to the speaking order request of the Senator from Vermont that precluded him or anyone else from discussing with you or anyone else the proper order of speaking or offering of amendments or voting on amendments; is that not correct?

Mr. SPECTER. Mr. President, the Senator from Arizona accurately states the situation.

Mr. KYL. Mr. President, may I ask another question of the chairman of the committee?

Mr. SPECTER. Under the same condition.

Mr. KYL. Given the fact that the distinguished minority leader has, I am sure unintentionally, but nonetheless mischaracterized my amendment, No. 3246, wouldn't it be a better process to understand the nature of the amendments to discuss them and to debate them under the regular order and then have a vote up or down rather than through the process we are undertaking right now, which is at best a very indirect approach to discussion and in any event doesn't lead to a vote up or down on the amendments?

Mr. SPECTER. Mr. President, the Senator from Arizona is correct. That is the way the Senate functions under our rules.

Mr. KYL. Finally, one final question, Mr. President, to the chairman of the Judiciary Committee. Is it not true that one of the critical elements of the legislation we are considering right now has yet to be added to the bill because the jurisdiction was felt to be in the Finance Committee and that the amendment, which would become a separate title of the bill dealing with employee eligibility verification, has yet to be offered as an amendment and clearly will need to be offered as an amendment, debated, considered, and hopefully approved before any legislation that purports to be comprehensive immigration reform could be voted on and passed by this body?

Mr. SPECTER. Mr. President, again, the Senator from Arizona accurately states the situation.

Mr. KYL. I thank the Senator.

Mr. LEAHY. Mr. President, will the Senator from Pennsylvania yield for another question?

Mr. SPECTER. I do under the same condition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, let's be factual here. The suggestion was made by the Senator from Vermont that we have an order of speakers on both sides. These would be Senators who have amendments that they want to offer. They would discuss them on the floor with the idea that perhaps a bipartisan group could meet after the caucus meetings and talk about how we might sequence the amendments. I would note, however, for the Senators here, the meeting after the caucus was a closed-door meeting to which only Republicans were invited.

It is somewhat difficult to schedule Republican or Democratic amendments in such a meeting. This one-sided meeting was completely different than the business meetings the Senator from Pennsylvania held in the Judiciary Committee, which were successful in getting a bill to the floor.

I urge the Republican and Democratic leaders to look at the model followed by the Senator from Pennsylvania in committee, which reported a bill to the floor.

Mr. SPECTER. Mr. President, the distinguished Senator from Vermont is correct. We did have a closed-door meeting with only Republican Senators present. I know they have a superior procedure among the Democrats and never have a closed meeting where only Democratic Senators are present. I know there is an operational rule where at least one Republican Senator has to be present whenever the Democrats meet.

That is supposed to be a laugh line.

Of course we meet with only Republicans. When the distinguished Senator from Vermont, the distinguished ranking member, was commenting earlier about missing the St. Patrick's Day recess, I seldom disagree with him, but I have to say by way of addendum that he forgot to mention that we missed the August recess preparing for the confirmation of Chief Justice Roberts. He didn't mention that we missed the December recess preparing for the confirmation hearing of Justice Alito. He didn't mention that we missed the January recess because of the Judiciary Committee hearing on Justice Alito. While our colleagues took a little time off in August to meet with constituents and work with perhaps a little play, they had December off, they had January off—not the Judiciary Committee. We were working. So there was not anything unusual about the St. Patrick's Day recess to find the Judiciary Committee at work. The staff worked very late hours. Then we scheduled a markup on the day before the recess ended, when the custom is to come back very late on Monday.

The Senator from Vermont had to leave his cherished farm to come to Washington Sunday night to be here early Monday morning for our session.

We were given an impossible job to finish the bill on Monday. We surprised a lot of people. We did it.

Then there was a little consternation about what to do next. The committee bill is on the floor, and it is a good bill, but it is not a perfect bill. Even if it were a perfect bill, it would still be subject to amendment, and ultimately we will get to it.

Mr. LEAHY. Mr. President, will the Senator yield without his losing the floor?

Mr. SPECTER. Mr. President, consistent with not losing the floor, when are we going to vote on these amendments?

Mr. LEAHY. Mr. President, of course the Senator from Pennsylvania and the Senator from Vermont were both here, missing all those recesses. As much as I have enjoyed the company of my friend for over a quarter of a century, I did not enjoy it so much that I wanted to miss those recesses. There are several amendments that we could vote on in the next couple of hours, as far as I am concerned. I would be happy to do that.

Mr. SPECTER. Starting at 6:30?

Mr. LEAHY. No, starting right now. We have one pending. I mentioned that several Senators, including a majority of Senators from the Republican side of the aisle, have amendments that we could be voting on.

Mr. SPECTER. Mr. President, I ask unanimous consent that we proceed to a vote on the Kyl amendment at 4:40.

Mr. DURBIN. Mr. President, I object.

Will the chairman yield for a question without losing the floor?

Mr. SPECTER. On the same condition.

Mr. DURBIN. Let me commend the chairman of the Judiciary Committee. It is the hardest working committee on Capitol Hill. I am glad I am on it. I look at others and they seem to have a lot of time off and we don't. I am a member of that committee. I respect the chairman for all we have done and tried to do in a short period of time.

Let me say to the chairman that I am troubled by one of his comments during the course of this conversation. That was the comment that what Senator KYL seeks to do would improve the bill. I would suggest to the chairman that a careful review of the Kyl amendment will find that it defeats the purpose of a major portion of this bill.

If that is the intent—to strip from this bill a path to legalization—then I think it is a much different bill than the one which we approved 12 to 6 out of our committee, a bill which the chairman supported and which I supported on a bipartisan basis, and which Senator KYL of Arizona opposed.

Let me be specific. The Kyl-Cornyn amendment which they are seeking to bring to the floor eliminates the path to legalization for potentially millions of undocumented immigrants who have committed no crime. It eliminates it from this bill. It creates a condition for qualification to be eligible for that path that would be, frankly, impossible for many to meet. Let me tell you what I mean.

I ask the chairman if he would still believe this improves the bill. Proponents of the Kyl-Cornyn amendment claim that the Judiciary Committee bill would allow criminals to become permanent residents. I think the chairman knows, as most people do, that the bill expressly lays out in specific words those crimes which would disqualify a person from a path to legalization. I could go through this long list, but I will not, other than to tell you that every crime of moral turpitude, and many others, would disqualify one from this legal pathway.

What the Kyl-Cornyn amendment really does is undermine the earned citizenship program in the bill. It prevents potentially millions who are in the United States from applying for legal status because of status violations and not crimes. The vast majority of undocumented immigrants who would be affected by the Kyl-Cornyn amendment are not criminals but rather the exact classes of immigrants which we intended to help with title VI of the Judiciary Committee bill.

Our analysis of the Department of Homeland Security data shows that over 95 percent of the people who would be affected by the Kyl-Cornyn amendment have committed no crime. The

only crime they have committed is the fact that they are undocumented in America today.

I ask the chairman how it would improve the bill to remove the path for legalization for 95 percent of the people who would be affected by the Kyl-Cornyn amendment. If the Kyl-Cornyn amendment passes, the United States will still have a crisis of illegality, and we will not have what we hoped in the committee, a balanced approach which allows those who are currently here a long, arduous but legal way to reach their citizenship at some point in their lives.

Mr. SPECTER. Mr. President, I feel complimented that the distinguished Senator from Illinois has only disagreed with one thing I have said, because I have said quite a few things. If that implies that he agrees with the other things I have said, then he agrees with quite a lot of what I have said.

With respect to the specific, yes. I don't believe that the Kyl-Cornyn amendment would destroy the bill as characterized by the Senator from Illinois.

Let me add that the Senator from Illinois is a member of the committee and has been a very active and contributory member of the committee, and the committee has accomplished quite a lot because of the cooperation of Senator DURBIN, Senator LEAHY, and other Democrats and Republicans. It has been a very hard-working committee.

It is my hope to expedite the process of working on the bill. For that purpose, I am going to again ask unanimous consent that we vote on the Kyl amendment now.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, in order to try to bring the Senators to the floor to move along, I move——

Mr. KYL. Mr. President, will the Senator yield for a question before he does that?

Mr. SPECTER. I do.

Mr. KYL. Mr. President, if I could ask this question of the chairman of the committee because the Senator from Illinois just made a comment about what the pending amendment would do. The pending amendment specifies that a person who has committed a felony or three or four misdemeanors would be ineligible to participate in the program. The Senator from Illinois knows that under existing law people convicted of crimes of moral turpitude, certain drug offenses, and other multiple crimes are already prohibited from participating in the program.

But I ask the chairman of the committee if I may lay this predicate for the question: The INS Attorney Manual provides Department of Homeland Security attorneys with random examples of crimes that have been held not to be crimes of moral turpitude by the Board of Immigration Appeals and, therefore, whether this sample list of crimes would be excluded from the bill that came out of the Judiciary Committee and, therefore, people who have committed crimes such as this would still be eligible to participate in the program and be put on the path to citizenship.

The sample includes burglary, loan sharking, involuntary manslaughter, assault and battery, possession of an unregistered sawed-off shotgun, riot, kidnaping, certain types not involving ransom, making false statements to a U.S. agency, contributing to the delinquency of a minor, abandonment of a minor child, alien smuggling, reentry after deportation, draft evasion, desertion from the Armed Forces, contempt of Congress, and contempt of court.

Many of these decisions, according to the manual, involve fines, distinctions of the technical element of state or foreign companies and sometimes crimes which are defined as crimes of moral turpitude.

That list goes to the specific crimes in the statute. You would have to determine whether a crime of moral turpitude was involved in order to know whether the individual would be permitted to take advantage of the underlying bill.

If an individual has committed a felony or three or four misdemeanors, under the amendment we have filed they would be ineligible.

I ask the chairman of the committee whether it would be wise public policy for someone who has committed a felony and has been convicted of committing a felony or three or four misdemeanors should participate in the program which would ultimately lead to citizenship.

Mr. SPECTER. Mr. President, I respond to the Senator's question by saying I think he has articulated sound public policy, and I support his amendment.

AMENDMENT NO. 3206

I now call for the regular order with respect to Kyl amendment No. 3206.

The PRESIDING OFFICER. The Senator has that right.

The amendment is now pending.

Mr. SPECTER. Mr. President, in moving to table the Kyl amendment, which I am about to do, I do so only to bring the Senators to the floor to try to move the process along. I intend to vote against tabling the Kyl amendment, but I do so, to repeat, to try to get the process moving. I like what the distinguished ranking member said about his willingness to start the votes soon. I hope we can move to that procedure.

I move to table Kyl amendment No. 3206. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, if I may direct a question to the Senator from Illinois, the assistant minority leader, does he wish to have Senator REID speak before we vote on the amendment?

Mr. DURBIN. Yes, I do.

Mr. SPECTER. Mr. President, I ask unanimous consent that we await Senator REID's arrival to speak on the amendment and that we then vote on the motion to table.

Mr. LEAHY. Mr. President, before we do that, I believe the distinguished Senator from Connecticut wishes to speak.

Mr. SPECTER. May I amend my unanimous consent request? May we limit the time to 30 minutes equally divided, and at the end of the 30 minutes we go to a vote on my motion to table the Kyl amendment?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. DURBIN. Mr. President, parliamentary inquiry: Were the yeas and nays ordered on this vote?

The PRESIDING OFFICER. Yes, they were.

Mr. DURBIN. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The minority leader.

Mr. REID. Mr. President, I apologize for being late. I was occupied when Senator SPECTER started talking about an event that I had out in the hall, and I thought it was important I come back to the floor. I came to spend a few minutes talking about some of his assertions.

But now what I want to focus on for a minute—Senator KYL stood and told the merits of his amendment, with a very brief outline he gave.

Senators KYL and CORNYN claim the Judiciary Committee bill would allow criminals to become residents. This simply is not true. The Judiciary Committee bill, like the McCain-Kennedy bill upon which it is based, already denies earned legalization to broad categories of aliens who have committed crimes or are a security risk to our country. Immigrants denied legalization include—and this is only a partial list—immigrants convicted of ''crimes of moral turpitude: aggravated assault, assault with a deadly weapon, fraud, larceny, and forgery; immigrants convicted of controlled substance offenses: sale, possession, and distribution of drugs, drug trafficking; immigrants convicted of theft offenses, including shoplifting; immigrants convicted of public nuisance offenses; immigrants with multiple criminal convictions; immigrants convicted of crimes of violence; immigrants convicted of counterfeiting, bribery, or perjury; immigrants convicted of murder, rape, or sexual abuse of a minor; immigrants convicted of espionage or sabotage; immigrants believed to have engaged in terrorist activity, which is broadly defined; immigrants with any association with terrorist activity or representatives of a terrorist organization; spouses and children of individuals who

are inadmissible as a terrorist; immigrants known to have acted in ways that are deemed to have adverse foreign policy consequences.''

What the Kyl-Cornyn amendment does is undermine the earned citizenship program in the committee bill, which I strongly believe in. It would prevent millions of Mexicans, Central Americans, Irish, and other nationals from applying for legal status because of status violations, not crimes. The vast majority of undocumented immigrants who would be affected by this amendment are not criminal aliens but, rather, the exact classes of immigrants intended to be covered by title VI of the Judiciary Committee bill.

Our analysis shows that over 95 percent of the people potentially affected by this amendment are individuals whose only crime—and ''crime'' is very loosely construed for purposes of this discussion—is being in the United States out of status—95 percent.

If the Kyl-Cornyn amendment passes, the United States will still confront a crisis of illegality and it will deny the will of the American people, three out of four of who favor earned legalization for immigrants who work, pay their taxes, learn English, and stay out of trouble.

This bill before this body is a very fine piece of legislation. It sets a very strict standard to protect our national security. Our borders will be protected better than they have ever been protected. It will allow places such as Las Vegas, NV—and Las Vegas is not the only place. They are going to build within the next few years, 4 to 5 years, 50,000 new hotel rooms. They will need a minimum of 100,000 new workers. This legislation will allow that to happen. There are places all over America that are faced not with numbers that are as huge as that but with big numbers.

Finally, what this legislation that is now before the Senate does is it allows 11 million-plus people not to have to live in the shadows of America. It is a path to earned legalization—not like the old amnesty that was done when I served in the House of Representatives—but a path toward legalization. Stay out of trouble. Pay your taxes. Have a job. Learn English. Go to the back of the line.

We are here trying to protect the integrity of a bill that is bipartisan in nature and one of the best things to happen to this partisan atmosphere we find ourselves in. It is a bipartisan bill. Last week, we stood on this floor—and I do not think ''boasted'' is the right word—and talked about how good it was we were able to pass a bipartisan bill that improved the situation dealing with the ethics of this body and this country. Why can't we continue on a bipartisan basis on this committee-reported bill?

So for individuals to come to this floor and think we are doing something that is anti-Senate, anti-American, because we do not want to vote on an amendment that I think guts this bill does not mean there is anything wrong with those of us who believe this is what we should not do. And it does not take away from the good faith of my friend from Arizona. He thinks he is doing the right thing. I disagree with him a lot. I think what he is doing is wrong. I think it hurts this bill. And I am going to do everything I can to protect this bill.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, let me yield some time to myself.

With all due respect, I disagree with my colleague, who has said the amendment would deny most of the people whom the bill is intended to benefit the benefits of the bill; namely, legal permanent residency and citizenship.

That is only true if most of the people who are supposed to receive benefits under the bill have committed a felony or three misdemeanors or have violated a court order to leave the country when they have been ordered to do so, or have not complied with a prior order of the DHS to depart if they are not eligible to participate in the program.

These are not the people we should be seeking to give the benefits of the program to. These are precisely the people who have demonstrated either they are criminals or that when you have given them the chance to comply with an immigration order, they have refused to do so. I do not think the Senator intended to say these are exactly the people we want to benefit under this program.

There are two large classes of people who would be potentially denied the benefits of the program by our amendment. The first is, instead of referring to crimes of moral turpitude or violation of a crime relating to a controlled substance—which are the two specific categories in the bill—we say any felony or three misdemeanors.

And examples of crimes, as I said before, that are not covered by the controlled substance or moral turpitude sections are: burglary; loan sharking; involuntary manslaughter; assault and battery; possession of an unregistered sawed-off shotgun; riot; kidnaping; abandonment of a minor child; alien smuggling; reentry after deportation, as I said; draft evasion; desertion from the Armed Forces; and others. These are crimes that would not be picked up in the pending bill.

So while it is true some crimes are covered and, therefore, some criminals would not get the benefits called for in this pending legislation, it is also true many others who have committed these other kinds of crimes would not in any way be restricted from participating in the benefits of the law.

The second group is those who have committed immigration violations, not just people who are in some status violation. Let me make that crystal clear. It is not simply because you overstayed your visa. There are only two categories here. You have not complied with a prior Department order and, therefore, are not eligible to participate in the program.

In the hearing, by the way, of our subcommittee, we showed that between 80 and 85 percent of those released on bail failed to appear and comply with removal orders. Clearly, this has to demonstrate a disrespect for orders from immigration courts and should not be allowed to continue. These are exactly the kind of people you do not want to be participating in the program because they have already demonstrated a willingness to violate immigration law after being ordered to do so.

Secondly, those who have not only failed to depart after being ordered—they have entered illegally, but that is not what we are talking about here. Entering illegally does not count under this amendment to deny them benefits. Rather, you have to have done that and been ordered by the court to depart as a result of some violation and further refused to comply with the judge's order.

So this is not just a status violation. Merely coming here illegally would not be covered by this amendment, period. You would have to commit a felony—been convicted of a felony, three misdemeanors, or have intentionally violated an order of the court to depart after having been ordered to do so by the court.

I think what this amendment does is to make it crystal clear that the intention of the Senate is that people participating in the program not be convicted criminals or people who have deliberately violated a court order dealing with departure from the United States.

It is interesting that most of the language we took came from the 1986 bill, and for some reason that language was omitted from the bill that is pending before the Senate. So it seems to me if we are going to at least get to most of the people we would not want to participate in this program, we would want to deny that right to those who have committed serious crimes, such as the ones I have articulated here.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to take the time allocated to me to address the larger issue of this bill; although, clearly, the amendment being offered by our colleagues from Arizona and Texas impacts the larger question: the decision of whether we deal with a part or the whole of the immigration issue.

You can make a case, obviously, that by just dealing with border security issues, you are dealing with an important and essential element of immigration reform. I would quickly argue that if you just deal with border security

and do not also deal with the phenomena of 11 million people who are here illegally, you would only be addressing half of the issue—a legitimate half of the issue—without any kind of recourse or plan on how you ultimately deal with the fact that we have 11 to 12 million people who are here under an illegal status.

So I appreciate the work of my colleague from Arizona, and I would be urging colleagues to vote no on the motion to table because I think we ought to have a bit more time to analyze and discuss exactly what the implications of this amendment are.

Mr. President, I rise to address the issue of comprehensive immigration reform. I want to acknowledge the work of those on the Judiciary Committee who have done a fabulous job, in my view, through extensive hearings and a very worthwhile markup session. I watched almost every minute of it. I was deeply impressed with our colleagues, Republicans and Democrats, who addressed this issue.

Let me be clear from the outset—something we need to say over and over and over and over again—immigration reform is first and foremost about protecting America's national security, our economy, and our citizens from the myriad of challenges we are going to face in the 21st century. We have no higher priority than those: to protect our national security, to protect our borders, and to protect our economy.

Therefore, any discussion of immigration reform must begin with an emphatic declaration of our intentions here: to secure our borders; to protect our citizens from a flood of people arriving here, albeit with good motives. But it is unrealistic to assume that any nation in this world can have open borders—unlimited for people who want to come here. So I believe it is extremely important we state that case at the outset.

But I also believe that it is an enormously complex and difficult issue. It is that very complexity that leads us to the concerns expressed by some of my colleagues. There is a very real temptation to deal only with certain aspects of immigration and to put off the more difficult matters to some future time and date. That is exactly what the other body did back in December when they passed a bill dealing only with the issue of border security and enforcement and neglected entirely dealing with the phenomena of 11 million human beings who reside in this country today without documentation.

Which brings me to the legislation currently before the Senate. One version, introduced by our colleague, Senator FRIST, mainly addresses border security and enforcement. Certainly, these are critical components of any immigration reform package. No bill should be considered comprehensive without them at all. But Senator FRIST's bill does not go nearly far enough toward addressing the other monumental challenges we face on immigration, including the presence of more than 11 million human beings, undocumented, in the United States, who need to be brought out of the shadows and into the open.

In my view, turning our backs on this reality is the same thing as turning our backs on providing border security. If we had a bill before us that only dealt with how we handle 11 million people who are here illegally and not border security, that would be a flawed piece of legislation. The fact that you are dealing with just border security is equally flawed. We need to have both parts here if we are going to succeed.

Thankfully, of course, Senator SPECTER has provided us, along with the Judiciary Committee members, with an approach that does address both pieces of this problem. Is it an imperfect bill? Absolutely. Does it need more work? Absolutely. But clearly, it is one that brings the balance of dealing with border security, national security, and economic security, as well as realistically trying to deal with the 11 million undocumented workers who have come to our country.

The Specter amendment toughens our borders. We clearly need to do more to control these borders and to prevent individuals from illegally entering our country because, fundamentally, border control is a national security issue. The Specter amendment would provide advanced border security technologies to assist those tasked with protecting these frontiers. The Specter amendment would also improve our ability to enforce immigration laws by making structural reforms and increasing personnel and funding levels where they are needed most. I won't go into all the details here, but 12,000 new agents along that border will clearly help.

My good friend from Texas, Senator CORNYN, and I were privileged to attend a meeting in Mexico a few weeks ago, an interparliamentary meeting that I have attended for 26 years—odd years here, even years in Mexico. We were both deeply impressed with a document prepared by our colleagues in Mexico that has been signed by all five candidates for President of Mexico, which will be holding elections on July 2, as well as the major parties in Mexico. It is a rather short document. I will ask for it to be included in the RECORD. Senator CORNYN and I actually sent this to each of our colleagues to look at. But our friends from Mexico list national security, border security, as one of the guiding principles in what must be a part of any immigration reform proposal. It is worth reading because these issues are not only our concern but their concern as well. If Mexico is unwilling or incapable of helping us keep our borders secure, then this legislation will not work.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Mexican Congress adopted this document as a Concurrent Resolution]

MEXICO AND THE MIGRATION PHENOMENON

In Mexico, as in other countries and regions of the world, migration is a complex and difficult phenomenon to approach. The diverse migration processes of exit, entrance, return and transit of migrants are all present in our country.

Given the extent and the characteristics of today's migration phenomenon, which will continue in the immediate future and given the implications that it represents for our country's development, a new vision and a change are necessary in the way Mexican society has approached, thus far, its responsibilities toward the migration phenomenon.

Over the last years, the magnitude reached by Mexican migration and its complex effects in the economic and social life of Mexico and the United States, have made the migration phenomenon increasingly important for the national agendas of both countries, and a priority issue in the bilateral agenda.

From the outset of the Administration, the government of President Fox put forward a proposal to the Mexican public opinion and to the highest authorities in the United States, regarding a comprehensive plan aimed at dealing with the diverse aspects of migration between the two countries. Mexico based its proposal on the principle of shared responsibility, which acknowledges that both countries must do their share in order to obtain the best results from the bilateral management of the migration phenomenon.

In 2001, the governments of both nations intensified the dialogue and set in motion a process of bilateral negotiations with the intent of finding ways to face the multiple challenges and opportunities of the phenomenon; these actions were taken with the objective of establishing a new migration framework between the two countries.

However, the terrorist attacks of September 2001 against the United States, criminal acts which were unmistakably deplorable, altered the bilateral agenda on migration. On the one hand, the link between migration and national security—mainly along the shared border—is now an essential issue of that agenda. On the other hand, the participation in the migration debate of varied political actors—especially legislators of both countries—has increased.

The debate that is currently taking place in the United States, concerning a possible migration reform, represents an opportunity for Mexico and for the bilateral handling of the phenomenon. It also encourages a deep analysis of the consequences that this process can have for our country and its migration policy.

Based on a joint initiative by the Executive Branch and the Senate of Mexico, a group of federal authorities responsible for the management of the migration phenomenon, senators and congressmen, members of the academia, experts in migratory issues, and representatives of civil society organizations, agreed to initiate an effort that seeks to build a national migration policy, founded over shared diagnoses and platforms. Accordingly, the group has held a series of discussions titled Prospects and Design of Platforms for the Construction of a Mexican Migration Policy.

The ideas expressed in this document are the result of those discussions. They intend to bring up to date Mexico's migration position and to offer some specific guidance regarding the process of migration reform in the United States.

PRINCIPLES

Based on the discussions held, the participants agreed upon the following set of principles that should guide Mexico's migration policy:

The migration phenomenon should be fully understood by the Mexican State—society and government—because it demands actions and commitments that respond to the prevailing conditions.

The migration phenomenon has international implications that demand from Mexico actions and international commitments—in particular with the neighboring regions and countries—which, in accordance with the spirit of international cooperation, should be guided by the principle of shared responsibility.

Mexico's migration policy acknowledges that as long as a large number of Mexicans do not find in their own country an economic and social environment that facilitates their full development and well-being, and that encourages people to stay in the country, conditions for emigrating abroad will exist.

Mexico must develop and enforce its migration laws and policy with full respect for the human rights of the migrants and their relatives, notwithstanding their nationality and migration status, as well as respecting the refugee and asylum rights, in accordance with the applicable international instruments.

The increased linkage between migration, borders and security on the international level, is a reality present in the relationship with our neighboring countries. Hence, it is necessary to consider those three elements when drawing up migration policies.

Mexico is committed to fighting all forms of human smuggling and related criminal activities, to protecting the integrity and safety of persons, and to deepening the appropriate cooperation with the governments of the neighboring countries.

The migration processes that prevail in Mexico are regionally articulated—in particular with Central America—, and therefore the Mexican migration policy should deepen its regional approach.

RECOMMENDATIONS REGARDING THE COMMITMENTS THAT MEXICO SHOULD AGREE ON

Main recommendations considered by the group in order to update Mexico's migration policy:

Based on the new regional and international realities regarding immigration, transmigration and emigration, it is necessary to evaluate and to update the present migration policy of the Mexican State, as well as its legal and normative framework, with a timeline of fifteen to twenty years.

It is necessary to impel the economical and social development that, among other positive effects, will encourage people to stay in Mexico.

If a guest country offers a sufficient number of appropriate visas to cover the biggest possible number of workers and their families, which until now cross the border without documents because of the impossibility of obtaining them, Mexico should be responsible for guaranteeing that each person that decides to leave its territory does so following legal channels.

Based on international cooperation, Mexico must strengthen the combat against criminal organizations specialized in migrant smuggling and in the use of false documents, as well as the policies and the legal and normative framework for the prevention and prosecution of human smuggling, especially women and children, and the protection of the victims of that crime.

It is necessary to promote the return and adequate reincorporation of migrants and their families to national territory.

Mexico's migration policy must be adjusted taking into account the characteristics of our neighboring countries, in order to safeguard the border and to facilitate the legal, safe and orderly flow of people, under the principles of shared responsibility and respect for human rights.

Order and security in Mexico's north and south borders must be fortified, with an emphasis on the development of the border regions.

Reinforce cooperation with the United States and Canada through the Security and Prosperity Partnership for North America, and with the regional bodies and mechanisms for the treatment of the phenomenon, like the Regional Conference on Migration and the Cumbre Iberoamericana.

The review and, if necessary, adjustment of the judicial and institutional framework, in order to adequately respond to the present and the foreseeable conditions of the migration phenomenon; this will require the creation of a specialized inter-institutional mechanism of collaboration.

The creation of permanent work mechanisms for the Executive and Legislative Branches, with the participation of academic and civil society representatives that allow the development and fulfillment of Mexico's migration agenda.

ELEMENTS RELATED TO A POSSIBLE MIGRATION REFORM IN THE UNITED STATES

Mexico does not promote undocumented migration and is eager to participate in finding solutions that will help us face the migration phenomenon. Accordingly, the group decided to express certain thoughts about what is Mexico's position in case a migration reform takes place in the United States.

Acknowledging the sovereign right of each country to regulate the entrance of foreigners and the conditions of their stay. It is indispensable to find a so1ution for the undocumented population that lives in the United States and contributes to the development of the country, so that people can be fully incorporated into their actual communities, with the same rights and duties.

Support the proposal of a far-reaching guest workers scheme, which should be one of the parts of a larger process that includes the attention of the undocumented Mexicans that live in the United States.

In order for a guest workers program to be viable, Mexico should participate in its design, management, supervision and evaluation, under the principle of shared responsibility.

A scheme aimed to process the legal temporary flow of persons, will allow Mexico and the United States to better combat criminal organizations specialized in the smuggling of migrants and the use of false documents, and to combat, in general, the violence and the insecurity that prevail in the shared border. Likewise, Mexico would be in a better position to exhort potential migrants to abide by the proper rules and to adopt measures in order to reduce undocumented migration.

Mexico should conclude the studies that are being conducted to know which tasks will help with the implementation of a guest workers program, regarding the proper management of the supply of potential participants, the establishment of supporting certification mechanisms, and the supervision and evaluation of its development.

Mexico acknowledges that a crucial aspect for the success of a temporary workers program refers to the capacity to guarantee the circular flow of the participants, as well as the development of incentives that encourage migrants to return to our country. Mexico could significantly enhance its tax-preferred housing programs, so that migrants can construct a house in their home communities while they work in the United States.

Other mechanisms that should be developed are the establishment of a bilateral medical insurance system to cover migrants and their relatives, as well as the agreement of totalization of pension benefits, which will allow Mexicans working in the United States to collect their pension benefits in Mexico.

Mexico could also enhance the programs of its Labor and Social Development Ministries, in order to establish social and working conditions that encourage and ease the return and reincorporation of Mexicans into their home communities.

This working group aims to become a permanent body of study, debate and development of public policies for the handling of the migration phenomenon.

Mr. DODD. The other provision I wish to address in the brief time I have available goes beyond the border security issue that the Specter amendment clearly addresses. Individuals have come to our country looking for work, and we know from surveys that 94 percent of undocumented males in this country are in fact working. These are not unemployed people who are looking for first-time jobs; these are people with jobs who saw a better opportunity in coming across our borders.

I know it has been said, but every one of us here can tell family stories going back a generation or more, regardless of where we have come from, on why our forebears came here. Mostly it was for economic reasons, in the past, or political reasons that made it difficult for our forebears to remain in the countries of their birth.

I acknowledge that people have come here illegally. That is wrong, and we need to put a stop to it. The Specter amendment also acknowledges that fact. It doesn't give these people a free ride at all. Instead, it would penalize illegal immigrants by requiring undocumented workers to pay fines, pay all back taxes, submit themselves to background checks, and learn English. But then it does allow them to move out of that status. That is one of the differences.

If we add an additional burden, which our friends from Arizona and Texas are implying here, that if you came in under a legal visa and you have overstayed that visa, then you can never move out of that status again regardless of whether you have complied with these other provisions, it seems to me we are only compounding our problems.

Certainly, this legislation also provides an avenue for undocumented workers to come out in the open, to earn legalization. Earning legal status wouldn't be an easy process. An individual who takes advantage of this program would have to work for 6 years before he or she could even receive a green card. At that point, they would be put at the back of the line of some 3.5 million people who are legally seeking entry into the United States as I speak. They would come first. These undocumented workers would come after those people had been approved.

It would take a minimum of 5 additional years of steady employment before the individual could finally become an American citizen. That is 11 years. That is certainly not a light process to go through. With a pathway to citizenship—not amnesty at all but an earned pathway—we will provide incentives to undocumented workers to come out of the shadows of society.

Why is that important? For many reasons. Because the presence of so many individuals without documentation in our country creates enormous challenges for law enforcement. It undermines worker protections. It is bad for security. It is bad for American workers. It is bad for undocumented immigrants themselves. Moreover, it is impossible to adequately protect U.S. national security if we don't know who is living within our borders. And by bringing undocumented workers into the open, we will help law enforcement professionals and our security services do their jobs: protecting the American people and enforcing our laws—there is no higher priority we have than that. And if we have a process that goes on for 11 years, a pathway, we begin to assist in that effort.

As I said, among other provisions, the Specter amendment would double the size of the Border Patrol over 5 years, adding 12,000 new agents to patrol our borders. It would expand the number of interior enforcement officers by 1,000 per year over each of the next 5 years. It would utilize advanced technologies to improve surveillance along the border, creating a virtual fence to detect and apprehend people who are illegally attempting to enter this country. And it would create new and increased penalties for individuals trying to subvert our borders with tunnels or who attempt to smuggle people into the U.S.

I support these measures. But they are only one part of the bigger equation. We also have to find a way to deal with the more than 11 million undocumented individuals living within our borders.

These are predominantly individuals who have come to the U.S. to make a living, and to support themselves and their families. Ninety-four percent of undocumented men, according to a March 7, 2006, Pew poll, choose to work. These are, for the most part, hardworking individuals, who are not here to flood the welfare rolls or collect our charity. They are here to work and to contribute. They want what all of our families wanted when they came to the U.S.—a piece of the American dream.

I acknowledge that they came here illegally and this is wrong. And so does the Specter amendment. It wouldn't give them a free ride. Instead, it would penalize illegal immigrants by requiring undocumented workers to pay fines. It would require them to pay all back taxes, submit themselves to background checks, and learn English.

But critically, this legislation also provides an avenue for undocumented workers to come out into the open, to earn legalization. Earning legal status wouldn't be an easy process either. An individual who takes advantage of this program would have to work for 6 years before he or she could even receive a green card. At that point, they would be put at the back of the line—behind everyone who has come here legally—and it would take a minimum of 5 additional years of steady employment before the individual could finally become an American citizen. That's 11 years in total.

With a pathway to citizenship, not an amnesty but an earned pathway, we will provide incentives to undocumented workers to come out of the shadows of our society. Why is this so important?

Because the presence of so many individuals without documentation in our country creates enormous challenges for law enforcement and undermines worker protections. It is bad for our security, bad for the American worker, and bad for undocumented immigrants themselves.

Moreover, it is impossible to adequately protect U.S. national security if we don't know who is living within our borders. By bringing undocumented individuals out into the open, we will help law enforcement professionals and our security services do their job: protecting the American people and enforcing our laws. We will also help prevent the type of workplace abuses that are bad for everyone, Americans and immigrants alike.

Despite what has been said on this floor, not all people seek to come permanently to the U.S. Many seek temporary work here and desire to return home when that work is complete.

There are legitimate concerns that temporary workers might displace American workers who are available and willing to take a job. That should never be the case. Wherever possible, American jobs should be filled first and foremost with American workers.

The Specter amendment addresses this reality. It creates a new temporary worker classification to meet the needs of American businesses. It would also strengthen procedures to help ensure that no American workers are displaced when temporary workers are hired.

As I have said, the Specter amendment is truly comprehensive legislation. It would be impossible to discuss every provision in the bill at length. So I would just like to comment briefly on a few additional items of interest.

First, I am pleased that the Judiciary Committee included provisions of the DREAM Act in its legislation. I've long supported the DREAM Act, which in my view is a common sense measure, allowing undocumented students under the age of 16, who were brought into this country illegally through no fault of their own, a chance to complete higher education.

Qualifying students, however, will have had to live in the U.S. for at least 5 years prior to the date of enactment of this legislation. If they earn and advanced degree or serve our country in the Armed Forces, they would then be granted permanent status and allowed to petition for citizenship. Every student deserves a chance to learn and to serve a cause greater than themselves. This measure will give many deserving children that opportunity.

Finally, I would like to highlight a provision included in the Specter amendment that is receiving somewhat less attention. Throughout my tenure in the Senate, I've tried to raise awareness about western hemisphere affairs. Indeed during all my years in this body, I have served as a member of the Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs—even, for a time, as chairman. One thing I would note about the immigration issue, from a regional perspective, is that many of the problems we are facing—drug trafficking, crime, and insecurity—are also affecting our neighbors in the hemisphere. Just like us, they are struggling to address these seemingly intractable problems every day.

That is why I am pleased that in its bill, the Judiciary Committee included measures to help our neighbors. In particular, the Specter amendment would establish programs to help Guatemala and Belize fight human smuggling and gain control of their tenuous borders. It would also encourage strategic coordination across the hemisphere to fight the growing problem of gang violence. In my view, these are critically important provisions, and I hope we can do more to help some of our closest neighbors on these issues. Because in reality, we cannot solve our problems here without also addressing the roots of the problems abroad.

Unless we act now to address the enormous challenge posed by illegal immigration, the problem is only going to get worse. The Specter amendment isn't perfect—I think most of my colleagues would agree with that statement—but I do believe it is a critical measure that will help to resolve many of the challenges we face with respect to illegal immigration. I again thank my colleagues for their hard work and leadership on this issue.

My hope is that we strike that balance between border security, economic security, national security, and then also designing, as we have with the Specter amendment, a process that will allow for these people to move out of the shadows into the open, and into a legal status. It is a difficult path, a cumbersome path, but a path that will allow them to achieve that status at the end of the road.

I urge adoption of the Specter amendment, and I urge that we not table the Kyl amendment at this point, that we need to examine this issue even more carefully.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The time of the Senator has expired.

The Senator from Texas.

Mr. CORNYN. May I inquire how much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. CORNYN. I ask to be notified when there is 2 minutes remaining and that that time be given to the Senator from Arizona.

The PRESIDING OFFICER. The Chair will so notify.

Mr. CORNYN. Mr. President, I know the Senator from Connecticut cares passionately about conditions. So do I, and so do all the Members of the Senate about trying to find a solution. We have dramatic differences between the solutions which have been proposed here and those which have been proposed by the House. But the way I interpret what the House did, it is to send a message to the Senate that first and foremost we need to build a foundation of border security to stop the people streaming across our border—yes, in search of a better life, but we know that mingled amongst those people who come here for economic reasons because they have, perhaps, no hope and no opportunity where they live, there may be a criminal. There may be a terrorist. While there are many people who do care passionately about trying to find a comprehensive solution to this problem, the kind of slow-boating we have seen so far during this debate isn't helping us get to that solution.

In fact, we have had three votes on amendments since this bill came to the floor. To those who say: Yes, we want to find a solution; yes, the bill that is on the floor is a good start, but maybe it is not perfect; the best way for us to proceed is to have some votes and to have some debate—that is the way this body, sometimes noted as the greatest deliberative body on Earth, is supposed to work. That is the way democracy works. I may win some of those votes. I may lose some. But let's have debate. Let's build a consensus in the country by building a consensus in this body about where we ought to go to find a solution, and then let majorities govern. Let's reconcile our differences with the House and then send a bill to the President that he will sign that is consistent with our values, consistent with our security interests, and consistent with our economic interests. That is what I want to do.

I believe many on the floor of the Senate want to do that. But what we have seen by the fact that the Democratic leadership has objected to allowing us to set aside pending amendments or have votes on pending amendments up until this point is that we have had three votes, and we are running out of time. The leader has allocated 2 weeks to debate this bill and hopefully to finish it by Thursday night or Friday, when we begin the next 2-week recess. But I am getting the distinct impression that the desire is not so much to pass a bill but, rather, to block the kind of democratic process I just described a moment ago from even occurring, to prevent Senators from offering their suggestions by way of amendment and offering those to the Members for an up-or-down vote on the Senate floor. It bears some resemblance to some of the obstruction we have seen in the past, particularly when it comes to judicial nominations. It prevents the Senate from working its will. It prevents us from protecting the American people.

When I say ''protecting the American people,'' I am advised that today, according to current numbers on illegal immigration across our borders, we have about 2,300 people coming each day into our country across our broken borders. Last year, it was 1.1 million people, but today and each day that we fail to protect our borders, each day we fail to deal with this very complex but urgent and important problem, we have 2,300 more people coming across our broken borders. I hope and pray that it is not someone who is bent on doing some harm to innocent life.

We know in a post-9/11 world that those who would exploit our broken borders could, if they had the desire, perhaps commit another heinous act like 9/11 within our country. We know that recently, there were those from this body who were investigating the possibility: Can you smuggle the ingredients of a dirty bomb across our borders? Indeed, they were able to do so by producing false identification. So we know America is vulnerable. But how irresponsible would it be to block the ability of this body to consider this bill, to pass it in due course, and to get it on the President's desk?

I fear there are those who want to jam this bill, as it is currently written, down the throats of those of us who have a different idea or prevent us from having those votes which are important to letting the process work. None of us has the authority to dictate to others what kind of legislation is going to pass out of this body. I am afraid that is what we are seeing. Those who preferred this particular approach in the Judiciary Committee bill are trying to jam it through the Senate, trying to deny those of us who have different ideas from presenting those ideas and offering them for a vote on the Senate floor.

This particular motion to table the amendment Senator KYL and I have proposed is illustrative of the important changes and improvements that need to be made to this bill. Indeed, if you compare this to 1986, the last time Congress passed an amnesty that failed completely, you will see a lot of similarities between the bill on the floor and that amnesty in 1986—except, believe it or not, the bill that is presently before the Senate is even worse. In 1986, the law said that if you are a convicted felon, if you have committed three misdemeanors, you are not eligible for amnesty. This bill on the floor does not provide that exclusion from the general grant of amnesty.

Furthermore, there are some who say: OK, convicted felons, people who commit misdemeanors, but don't exclude from the grant of amnesty the 4- to 500,000 people who have had their day in court, who are so-called absconders, who are under final orders of deportation, because it wouldn't be fair to exclude them from this general grant of amnesty.

I disagree. I believe if you have had one bite at the apple or if you have had your day in court, you have had due process of law but you have demonstrated your unwillingness to comply with the lawful order of a court, then you should not be given amnesty so that you can remain in this country because if you are demonstrating by your very first acts, once you have come to this country, that you have no respect for our laws, then how are we to expect that you will ever have respect for other laws that are important for public safety and for the welfare of the American people?

Among these 4- to 500,000 people who would be included as absconders that this motion to table seeks to prevent us from excluding under the general grant of amnesty, in 2004, the Immigration and Customs Enforcement detention and removal operations removed 165,000-plus aliens from the United States. Of those 165,000-plus, 65,000 had been previously formally removed or deported at least one time before. So not only are the people who are sought to be excluded from this general grant of amnesty guilty of violating our laws, many of them are guilty of violating it on a serial basis.

The PRESIDING OFFICER. Two minutes remains on the Senator's side.

Mr. CORNYN. I urge our colleagues not to table this important amendment, that we have an up-or-down vote on the Senate floor as soon as possible.

Mr. KYL. Mr. President, is there any time remaining on the other side?

The PRESIDING OFFICER. No.

Mr. KYL. Mr. President, I will take a couple of minutes to close. I gather this will be a 100-to-nothing vote not to table. I agree with the Senator from Texas. We should not table the amendment, but we should have a vote up or down on it. If you don't like it, then vote against it.

I will make something very clear. If you came across the border from Mexico into the United States, into Texas, Arizona, California or New Mexico, and you came across illegally, this amendment has nothing whatsoever to do with you—unless you also are a criminal or you have been convicted of a felony or of three misdemeanors or you are an absconder—that is to say, after you came into the country illegally, and you were ordered to leave by a judge, and you refused to leave. Those are the circumstances this amendment applies to. It doesn't apply to you if all you did was come in illegally. In other words, that status is not implicated by this amendment.

We simply seek to deny the benefits of this legislation—legal permanent

residency and a pathway to citizenship—to people convicted of a felony, three misdemeanors or, in this category of an absconder, which the Senator from Texas talked about. Why is this important? It is because there are a certain number of people who have violated such an order. They have failed to leave the country when they were ordered to do so.

According to the testimony before the subcommittee I chair in the Judiciary Committee, about a month ago, the statistics are now that about 10 percent of the people entering the country illegally are criminals; it is between 10 and 15 percent. They are serious criminals. I hope that my colleagues vote ''no'' on the motion to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Kyl amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 0, nays 99, as follows:

[Rollcall Vote No. 87 Leg.]

NAYS—99

Akaka	Dole	Martinez
Alexander	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Menendez
Baucus	Ensign	Mikulski
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Obama
Boxer	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden

NOT VOTING—1

Rockefeller

The motion was rejected.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

Mr. ALEXANDER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will turn to the chairman in a moment, but we are in an unusual situation. When we step back and look at this bill, we see we have an important bill that is a national security issue, an issue of fairness and equity, and we have a good bill on the floor that does not have 60 votes. That is pretty clear today, after all of the discussions. Yet we are not allowed—in spite of having good amendments which can make this bill even better, we are not being allowed to move those amendments forward at all.

It is very clear by the last vote where the vote was, I think almost unanimous, that people are not serious about moving these amendments forward one at a time. I think it is disrespectful to the body itself because they are good amendments on both sides of the aisle that need to be debated and that need to come to a vote, and we are not allowed to do that. It is coming from the other side of the aisle.

I think that we need to get serious about it. It needs to be a dignified debate and a civil debate. Right now, we are not going to finish the bill. It is in effect being blocked by the other side because we are not allowed to get amendments to the floor so that at some point this bill could reach a threshold of 60 votes.

So I am very frustrated now, and I think colleagues on both sides of the aisle are. I know the chairman is. We had about 2 hours of debate earlier this afternoon that made it very apparent that the other side is trying to stop the bill. I just plead with our colleagues to come together and have both sides be able to offer their amendments.

It is Tuesday. If we work tonight and we work Wednesday and Thursday and Friday, we can pass a bill that will address border security, that will address interior enforcement and worksite enforcement, and that will address the issue of a temporary worker program that is fair to the 12 million or 13 million or 11 million people out there today who are here illegally.

That is what can be achieved. But the other side is basically delaying, postponing, obstructing, and not allowing us to consider amendments, and that is all that we ask.

Mr. ALEXANDER. The Democratic leader.

Mr. REID. Mr. President, I think it takes a lot to criticize the fact that Republicans are offering amendments and we wouldn't allow votes on them. This has been the history of the Republican-controlled Senate for years: not allowing us to have votes on amendments that we offer, or wanted to offer. How many amendments have there been? Minimum wage, Dubai Ports, health care in many different areas such as stem cell, prescription drugs, and importation of prescription drugs. So there may be some logical issues that could be propounded as to why the majority doesn't like what is going on here. But the fact that we are not allowing votes on amendments should fall on deaf ears because we are experts at trying to offer amendments and not having votes on them.

So I repeat what I said a little while ago. We have on the Senate floor today a bipartisan piece of legislation. Over here, we are united. We like the bill. The vast majority of us in the minority really like this bill, the one that is before the Senate right now. For example, the Kyl amendment, which was not tabled—it was moved in an effort to table their own amendment, which was somewhat surprising to me, but it wasn't tabled. The Kyl amendment, as I have explained on the floor before, would defeat a very good bipartisan bill. It would take what I believe, from my eyes, is the integrity of the bill, it would take it away.

This is a good bill, a bill that has strong enforcement. It provides for guest workers, and those in America who are interested in business support this. For example, the Chamber of Commerce, including the National Chamber of Commerce, supports those provisions in this bill, and then, of course, the path to legalization, which is so American, not anti-American—the path to legalization for these people.

I don't believe we should do amnesty. I was part of that in 1986 and it didn't work very well, and that is an understatement. This is not amnesty, what is in this bill. I like it. The vast majority of the minority likes it.

So we are willing to have our efforts rise or fall on this bill that is before the Senate. We are not going to allow amendments like Kyl-Cornyn take out what we believe is the goodness of this bill.

Mr. ALEXANDER. The majority leader.

Mr. FRIST. Mr. President, I interpret what the Democratic leader said to be that we have a bill on the floor that is a good bill and a solid bill but that the other side of the aisle does not want to give us the opportunity to amend that bill in any way, that they just want to flat out deny that. And I say—and that is my question—that the other side really just wants one vote, and it is on a bill that is a good bill, but we haven't given everybody here the opportunity to participate and debate and amend. That is my interpretation. I think that is wrong. I say that because we just voted 99 to 0 not to table the Kyl amendment.

So the Kyl amendment is pending, and it is the regular order of business that has been pending Thursday, Friday, Saturday, Sunday, Monday, Tuesday—6 days, 7 days it is pending, and they will not give us a vote, an up-or-down vote on the Kyl amendment. It is as simple as that.

The signal is that we are not going to consider any amendments. In fact, the statement is that we are not going to consider any amendments. Let us go straight and see if this underlying bill has a 60-vote cloture; is that correct?

Mr. REID. Mr. President, I will be happy to respond to that. I will respond to the distinguished majority leader. We have had three votes on Frist-Reid, Bingaman, and the other was—anyway, we have had three amendments, and they are amendments that we would be

happy to sit down and discuss, as I indicated earlier, and—the other is the Alexander amendment, thank you—sit down and find a way we can proceed.

We have Mikulski-Warner, Dorgan-Snowe-Burns, the Bond amendment, I think it is Collins, Brownback-Lieberman have an amendment, Stevens-Leahy have an amendment. So there are some amendments we could work on.

But let me just say this: We are happy to try to work something out. It is my belief—and people could disagree. It is certainly everyone's right to disagree. I don't think some of these amendments, some of these amendments I have talked about, would take away what I call the integrity of the bill. But I do say to my friend—and he is my friend, the distinguished majority leader—we have had example after example in the last many years where there is legislation on this floor and we are not allowed to offer amendments. We offer them once in a while, we don't get votes on those, and we are not allowed to offer amendments.

As my mother would say, they are getting a taste of their own medicine.

Mr. FRIST. Mr. President, again, I would ask—the Kyl amendment was not tabled, so it is the pending amendment. And I would ask if the other side would be willing to give us a rollcall vote on that amendment. It is not tabled at this juncture.

Mr. REID. The answer is no.

Mr. FRIST. The answer is no. That is the first one.

Let us go to the Mikulski amendment, the next one that has been pending for X number of days, and I would ask that we consider the Mikulski amendment and take it to a vote and vote on it right now.

Mr. REID. Mr. President, as I said just a few minutes ago, I would be happy to have the two managers, with the appropriate staff—I have listed a number of amendments here: Mikulski-Warner-Snowe, Dorgan-Burns, Bond, Collins, Brownback, Stevens-Leahy, maybe the Allard amendment, which I haven't read in its entirety, but I think that is appropriate. I think what we should do—there are a number of these, and you may have some others on the other side that we could work out and set up a sequence of when we should vote on these, how much time should be used in debate. I would be happy to do that.

Mr. FRIST. Mr. President, I think it is clear. We are seeing in essence a stonewalling of the bill on the other side, an important bill that is of national security. There are four amendments—the Kyl-Cornyn amendment is the official amendment. We are being denied an up-or-down vote. The next one is Isakson; we are ready to vote on that. The next one is Dorgan; we are ready to vote on that. The next one is Mikulski; we are ready to vote on that. We are ready to vote on all four of those.

What it sounds like to me is that the Democratic leader wants to pick our amendments and then we will consider and we will think about it, knowing—knowing—that we have Tuesday night, Wednesday, Thursday, and Friday to complete this bill. We are making no progress whatsoever because they are not allowing us to vote on amendments in the order that they are there. So it is apparent to me—and I agree, we will let the managers work on it, but it is apparent to me that the Democrats are not serious about passing a bill that affects the security of this Nation.

Mr. ALEXANDER. The minority leader.

Mr. REID. Mr. President, the Democrats are very serious about passing a bill that affects the security of this Nation—this legislation and other legislation but particularly this legislation. We believe that the first provision of this legislation, which we talked about from the very beginning, is border security, security for our Nation. This legislation that is now before the Senate will do that. But in addition to that, we want enforcement plus.

So as I have indicated, we want to pass the legislation right now. We would be happy to vote on this bill right now.

Mr. President, I ask unanimous consent that the bill before the Senate be moved to third reading right now and vote on it.

Mr. SPECTER. Mr. President, I object.

Mr. ALEXANDER. Objection is heard.

Mr. SPECTER. Mr. President, it would be a travesty of the procedures of the Senate to vote on this bill without giving Senators an opportunity to file amendments. It would just be—it is hard to find the right characterization—a travesty, unheard of, unthinkable, unprecedented, idiotic—strike idiotic; the Supreme Court has that word for its own—but our procedure is to vote on amendments.

Mr. President, I ask the distinguished Democratic leader if he would agree to start voting tomorrow morning at 9:30 on the list of amendments he identified. Senator LEAHY and I are prepared to work through the night and start voting tomorrow morning at 9:30 on those amendments.

Mr. REID. Those that I mentioned?

Mr. SPECTER. The ones you mentioned.

Mr. REID. I would be happy to work with our manager, and with Senator KENNEDY, and come up with the sequence of how we should vote on these and how much time should be spent on each amendment. I would be happy to vote on that.

Mr. SPECTER. May we start the voting tomorrow morning at 9:30?

Mr. REID. I don't know; 9:30, or sometime tomorrow morning, if we work out a sequence on these. That would be fine with me.

Mr. SPECTER. So we will start voting tomorrow morning sometime on the sequence of amendments that you have identified. And may we carry that further on other amendments which are pending? You haven't identified any other amendments——

Mr. FRIST. Mr. President, reserving the right to object, the courtesy to colleagues here should be at least to include the ones that are pending that I have read: Kyl-Cornyn, Dorgan, and Mikulski, that have been pending for days and days, rather than allowing the Democratic leader to cherry-pick amendments to vote on.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, the use of words of the distinguished chairman of the Judiciary Committee—''travesty, unprecedented, unthinkable''—whatever those were, those are words I am going to remember. I should have come up with those before on all the many times that we were unable to offer amendments on legislation that was pending before the Senate. But I think, as usual, the distinguished chairman of the Judiciary Committee did an outstanding job of describing what happens when people are not allowed to offer amendments. We are experts at recognizing when we are not able to offer amendments.

As I say, again, we have a number of amendments we would be happy to vote on. My friend, the majority leader, said he wanted to add in those that are pending, and we could not agree to that.

Mr. SPECTER. Could I ask the distinguished Democratic leader if we can establish a procedure where the distinguished ranking member and I—we are the managers of the bill—go through the list of amendments and decide a sequencing of votes on these amendments—there must be more than those identified by the Senator from Nevada—and try to get the bill rolling with the votes, as you say, starting sometime tomorrow morning?

Mr. REID. I have the greatest confidence in our ranking member, PAT LEAHY. I have spoken in his behalf on this floor so many times I can't count it, but we have, in addition to Senator LEAHY, 44 other members of our caucus. I am not going to give you and Senator LEAHY carte blanche as to what amendments would be offered and in what order.

Mr. DOMENICI. Senator SPECTER, would you yield for 1 minute?

The PRESIDING OFFICER. The Democratic leader has the floor.

Mr. REID. I am happy to yield to my friend, the distinguished Senator from New Mexico, for a statement of 1 minute or 2 minutes, whatever he cares to speak.

Mr. DOMENICI. I didn't want to ask you because what I was going to say you wouldn't like.

Mr. REID. I may not like what you say, but I like you.

Mr. DOMENICI. Thank you very much. I tell you, I really cannot believe what I heard here today. I have been here 34 years, and I cannot believe what I have heard today. I have heard

a minority leader say we are peeved because we have not had what we think is a fair shake over the last couple of years since you have been running this place, so we are going to manage this bill from the minority leader chair, and there are going to be no amendments considered unless the minority, the ranking minority Member of the Senate puts his imprimatur on them.

Mr. LEAHY. Imprimatur.

Mr. DOMENICI. No matter how important the bill is—imprimatur, no matter what it is. I said it the Italian way. You said it the French way. You all know what it meant: stamp of approval. Stamp of approval.

I have never heard of such a thing, never saw Senators standing around—they were in awe. What is he talking about?

The bill that is before us, he likes. He has had a caucus, and those Senators on the other side said this is a neat bill, this is what we want to pass, and we sure don't want any amendments offered and voted on that stir up that thing we like so much to any extent because we don't want to get our Senators in any trouble. We don't want them voting on any of these kinds of things that muddle up this bill. So our leader is going to stand up here and say we have just changed the Senate, and we are going to do it this way. There will be no amendments unless HARRY REID, elected as the minority leader of the Senate, says, ''OK.''

Fellow Senators, I don't believe it. As a matter of fact, I thought when the distinguished leader of the other side, who is my dear friend—dear friend, he knows that—when he got up and answered our leader and started with this business about minimum wage and these other things—I thought he had a nothing case. I thought, my God, he's dreaming them up. He has nothing to say.

What does that have to do with this bill, the minimum wage, the way we didn't let amendments come up on that? It has nothing to do with this bill, one of the most important bills confronting America. It has been said that it is at the turning point of relationships between Mexico and America. And we have one Senator who has looked at the bill and said: It is good for our side of the aisle. We like it just like it is, and we don't care what the rules of the Senate are, there will be no amendments. We are in charge.

I am sorry, Mr. Leader. You were right. You said it too mildly. I goofed up some words, but I said it right, and Senator REID is not right on this one. He is right many times. This is not right. He is not right. He should not do this. The Senate should not let him do it.

If there is some way to not let him do it, he should not be permitted to do it. He knows we can't do that. He knows we cannot do that. He is too smart about the rules of the Senate. He knows we cannot say he cannot do it. But the Senate should say he cannot do it. I am telling you Senators, Democrats and Republicans, you should say he cannot do that.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. REID. Mr. President, I have said nonchalantly, to put it in perspective, how much I appreciate the work of the members of the Judiciary Committee on this bill.

I am not going to spend a lot of time on this other than to say I think it is so important that we understand the time people have spent on this issue. The Senator from Massachusetts, Senator KENNEDY, has been working on this issue of immigration for 35 years. He has seen what has happened in years past with all the different pieces of legislation. I can remember legislative battles on the Senate floor that we had with disputes between him and Alan Simpson, the distinguished former Senator from Wyoming, who everyone knows was such a good Senator, with such a great sense of humor.

Senator LEAHY has, I think, done such an admirable job of being ranking member on this committee.

We have gotten work done on this committee that no one ever expected could be done. And the principal reason that work was able to be accomplished is because of the relationship that was developed between the chairman and ranking member, Senator SPECTER and Senator LEAHY.

If someone had come to me a month ago and said we would be in the status we are on this immigration bill, I would have said: No, I don't think that could be accomplished. I do not think we can get a bill out of that committee.

But as I have said publicly, and certainly I have said it to the distinguished majority leader, I thought his bill alone, dealing with enforcement only, was inappropriate and not good. I was surprised—but pleasantly surprised—with the work product that came out of the Judiciary Committee.

Even when the distinguished majority leader said that he and the ranking member would work during the week that we had off to see if they could come up with a proposal, I kept checking with Senator LEAHY and other members of the Judiciary Committee. And they felt there was a lot of movement.

When that committee met on Monday, there were compromises made, and a bipartisan bill came before the Senate; again, pleasantly surprising me and, to me, proving that when people work together to accomplish a goal and there is a partnership between those leading the committee, members of the committee usually go along with that leadership as they did in this instance.

I appreciate the good work, and I support this legislation.

CLOTURE MOTION

Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on the Specter substitute amendment No. 3192.

Patrick J. Leahy, Edward M. Kennedy, Robert Menendez, Frank R. Lautenberg, Joseph I. Lieberman, Carl Levin, Maria Cantwell, Barack Obama, Tom Harkin, Hillary Rodham Clinton, John F. Kerry, Dianne Feinstein, Richard Durbin, Charles E. Schumer, Harry Reid, and Daniel K. Akaka.

Mr. REID. I yield the floor.

Mr. LEAHY. Mr. President, the Senate has taken significant and constructive steps over the past week toward fixing our Nation's broken immigration system. On March 27, the Senate Judiciary Committee reported a comprehensive and bipartisan package that is tough but smart.

We sent to the Senate a bill that includes critical law enforcement and border security measures—tougher than the bill introduced by the majority leader earlier last month. Our bill, which was passed by a strong bipartisan 12-to-6 vote in committee, also includes realistic solutions for the problem of the millions of undocumented presently living inside our borders. We do not offer these aliens amnesty but create an incentive for them to come out of the shadows, register, and earn the opportunity to obtain legal status over the course of 11 years.

Over the past week, we have taken strides to see these proposals passed into law. I thank the many Senators who have come to the floor to speak in support of the committee bill. Senators MCCAIN and KENNEDY, who did the hard work of drafting many of these measures, have made strong statements explaining why the committee bill is not an offer of amnesty but represents an earned path to legalization and eventual citizenship. Senator FEINSTEIN spoke about how this bill is tough on enforcement but pragmatic in its temporary worker and legalization programs.

I thank Senator DURBIN for his eloquent statement last week describing the DREAM Act, which is included in the committee bill. Senator LINCOLN, Senator SALAZAR, and Senator OBAMA have all come to speak in favor of the ''enforcement-plus'' measures in the bipartisan bill.

We have voted to approve several amendments that further strengthen

the bill. Senator BINGAMAN's amendment to bolster national security by assisting local law enforcement in border States was approved overwhelmingly yesterday. So was Senator ALEXANDER's amendment to strengthen citizenship programs, and last week, we passed a Frist-Reid amendment to study the tragic deaths occurring at the border between the United States and Mexico.

I hope we will vote next on the important amendment offered by Senator MIKULSKI with a long list of cosponsors from both sides of the aisle. The Mikulski amendment will bring relief to employers by easing the shortfall of seasonal workers.

I hope we will also vote on amendments that will be offered by Senator BILL NELSON to add additional enforcement provisions to the Committee bill.

We have before us an opportunity to take a historic vote on a realistic and reasonable system for immigration. Our bill protects America's borders, strengthens enforcement, and remains true to American values. We should pass this bill this week.

Mr. BYRD. Mr. President, today, I speak on the Specter-Leahy substitute to S. 2454, the Frist border security bill.

At the present time, the Frist bill contains no amnesty for illegal aliens. However, if the Specter-Leahy substitute is adopted, it would effectively attach a massive amnesty for 8 to 12 million illegal aliens and provide those illegal aliens with a path to U.S. citizenship. According to immigration experts, the pending substitute amendment—with its guest-worker program and amnesty for undocumented aliens—would open the gates to 30 million legal and illegal immigrants over the next decade.

I oppose this amnesty proposal—absolutely and unequivocally. I urge the Senate to pass a clean border security bill like the House did—without amnesty, without a guest-worker program, and without an increase in the annual allotment of permanent immigrant visas.

For more than 4 years, the Nation has wondered how 19 terrorists managed to penetrate our border defenses to carry out the September 11 attacks. It chills the blood to think of those terrorists crossing our borders not once, but several times, in the months before the attack—easily outsmarting our border security checks to plot their dastardly scheme. They walked among us as tourists, students, and business travelers. Three of them even stayed in the United States as illegal aliens.

Today, more than 4 years later, our country remains dangerously exposed to terrorists seeking to penetrate our border defenses. Since September 2001, an estimated 2 million new illegal immigrants have successfully beaten our border and interior security, and are now settled in the United States. That's 2 million new illegal immigrants since the Government pledged to regain control of the border after the 9/11 attacks.

Our immigration agencies are plagued with management and morale problems. They still do not have an exit-entry system with interoperable, biometric watch lists to accurately identify who is entering the country. We still cannot tell who is leaving the country. The requirement for foreign visitors to use biometric, machine-readable passports continues to be delayed, exempting millions of aliens each year from background checks. The administration, still, stubbornly refuses to support the resources our border and interior enforcement agencies need to effectively do their jobs.

Meanwhile, the immigrant population continues to surge. The Center for Immigration Studies calculates that 1.5 million immigrants are settling both legally and illegally in the United States each year. The U.S. Census Bureau projects that immigration will be a major cause of the population of the United States increasing to 400 million people in less than 50 years.

The National Research Council estimates that the net fiscal cost of this massive immigration ranges from $11 billion to $22 billion per year, with the infrastructure of our Nation—our schools, our health care system, our transportation and energy networks—increasingly unable to absorb this untenable surge in the population.

Many tout the additional border and interior enforcement personnel authorized since September 2001, but the President's budget has not come anywhere close to funding those authorizations. Homeland security expenditures have been capped at levels that prohibit the Congress from adequately filling the gaps. Senator GREGG and I have had to fight for every additional nickel and dime that goes into our border security. It is never enough.

Immigration enforcement in the United States remains decidedly halfhearted. We are pulling our punches. Tougher border security mandates are signed into law, but then not fully funded. Statutory deadlines are set, but then indefinitely postponed. Undocumented aliens are denied Social Security cards, but then issued driver's licenses and taxpayer identification numbers. Employers are warned not to hire illegal labor, but then allowed to sponsor, without penalty, their illegal workforce for legal status. Funds are not requested to perform even the barest level of work site enforcement. We send troops abroad ostensibly so that we don't have to fight terrorists on American streets, but then we turn a blind eye to millions of unauthorized, undocumented, unchecked aliens—any one of whom could be a potential terrorist.

When lawmakers and the so-called pundits comment that our current system is unworkable, it's because we haven't really tried to make it work. The contradictions in our immigration policies are undeniable. Lawmakers decry illegal immigration, but then advocate amnesty proposals which only encourages more illegal immigration. Advocates may try to distance themselves from that word—''amnesty''. They may characterize their proposals as ''guest worker'' programs or ''temporary visas'', but the effect is the same—to waive the rules for lawbreakers, and to legalize the unlawful actions of undocumented workers and the businesses that illegally employ them.

Amnesties are the dark and sinister underbelly of our immigration process. They tarnish the magnanimous promise of a better life enshrined on the base of the Statue of Liberty. They minimize the struggle of all those who dutifully followed the rules to come to this country, and of all those who are still waiting abroad to immigrate legally. Amnesties undermine that great egalitarian and American principle that the law should apply equally and fairly to everyone. Amnesties perniciously decree that the law shall apply to some, but not to all.

Amnesties can be dangerous, dangerous proposals. Amnesties open routes to legal status for aliens hoping to circumvent the regular security checks. By allowing illegal aliens to adjust their status in the country, we allow them to bypass State Department checks normally done overseas through the visa and consular process. One need only look to the 1993 World Trade Center bombing, where one of the terrorist leaders had legalized his status through an amnesty, to clearly see the dangers of these kinds of proposals.

Our immigration system is already plagued with funding and staffing problems. It is overwhelmed on the borders, in the interior, and in its processing of immigration applications. It only took 19 temporary visa holders to slip through the system to unleash the horror of the September 11 attacks. The pending proposal would shove 30 million legal and illegal aliens—many of whom have never gone through a background check—through our border security system, in effect, flooding a bureaucracy that is already drowning. It's a recipe for utter disaster.

Amnesties beget more illegal immigration—hurtful, destructive illegal immigration. They encourage other undocumented aliens to circumvent our immigration process in the hope that they too can achieve temporary worker status. Amnesties sanction the exploitation of illegal foreign labor by U.S. businesses, and encourage other businesses to hire cheap and illegal labor in order to compete.

President Reagan signed his amnesty proposal into law in 1986. At the time, I supported amnesty based on the same promises we hear today—that legalizing undocumented workers and increasing enforcement would stem the flow of illegal immigration. It didn't work then, and it won't work today. The 1986 amnesty failed miserably.

After 1986, illegal immigrant population tripled from 2.7 million aliens, to 4 million aliens in 1996, to 8 million aliens in 2000, to an estimated 12 million illegal aliens today.

In that time, the Congress continued to enact amnesty after amnesty, waiving the Immigration Act for lawbreakers. The result is always the same: For every group of illegal aliens granted amnesty, a bigger group enters the country hoping to be similarly rewarded.

The pending substitute amendment embodies this same flawed model. It's more of the same: More amnesties, more guest worker programs, more unfunded mandates on our immigration agencies. We ought to be focusing on how to limit the incentives for illegal immigration, and erase the contradictions in our immigration policies that encourage individuals on both sides of the border to flout the law and get away with it.

What's backwards about the pending substitute amendment is that it is actually rewarding illegal aliens. It rewards illegal behavior. It authorizes illegal aliens to work in the country. It grants illegal aliens a path to citizenship. It pardons employers who illegally employ unauthorized workers. It even repeals provisions in current law designed to deny cheaper, in-state tuition rates to illegal aliens.

The pending amendment is a big welcome mat for illegal immigrants. It is a misguided and dangerous proposal that would doom this Congress to the failures of previous Congresses.

The economist John Maynard Keynes once described the qualification for an economist as being the ability to study the present, in the light of the past, for the purpose of looking into the future. Patrick Henry echoed those sentiments more than a century earlier when he said:

> I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging the future but by the past.

Our Nation's experience shows that amnesties do not work. They are dangerous proposals that reward and encourage illegal immigration. Our experience shows that we cannot play games with our border security or American lives could be lost.

I will oppose the Specter-Leahy substitute amendment, and I urge my colleagues to do likewise.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On March 18, 2006, in Savannah, GA, Travis McLain, was beaten by Charles Pickett in what appears to be a crime motivated by hate. McLain suffered a concussion and lost several teeth when he was attacked in a local parking garage. McLain has stated that Pickett used anti-gay language while attacking him. Georgia Equality, the state's largest gay rights organization is calling this attack an anti-gay hate crime.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President, I would like the RECORD to reflect that I was necessarily absent for the votes on Senator BINGAMAN's amendment, No. 3210, vote No. 84, and Senator ALEXANDER's amendment, No. 3193, vote No. 85, on Monday, April 3, 2006. Had I been present for these votes, I would have voted in favor of both amendments.

GLOBAL CLIMATE CHANGE

Mr. FEINGOLD. Mr. President, today the Senate Energy and Natural Resources Committee is holding a conference to delve into some of the policy questions that have delayed efforts to move forward with legislation addressing global warming. As many Americans have realized—even in the face of an absolute void of leadership from this current administration—one of the greatest challenges currently facing us is how to reduce our contributions to global climate change before it is too late for changes to matter. In fact, the majority of the American public believes that they have an individual role to play in being a part of the solution. And the public is looking to us, their elected leaders, to provide the framework for change.

As many people know, Senators LIEBERMAN and MCCAIN have been the longtime champions of raising awareness of global warming. Today's conference, under the leadership of Senators DOMENICI and BINGAMAN, demonstrates that more and more elected officials are willing to take a stand in recognizing the imminent need for action. Along with my constituents, I hope that the time will soon come when a majority of the U.S. Congress is willing to follow their lead.

On the heels of today's conference, another Senate committee is scheduled to consider the issue of global warming. Tomorrow, the Commerce Committee's Global Climate Change and Impacts Subcommittee will hear about the administration's approach to the issue. While the administration favors developing and sharing new zero and low-carbon technologies with developing nations, I submit that our citizens are looking for bold action that addresses more than how we will help developing countries—they want to know what we plan to do domestically.

Mr. President, if there ever was a time when it was all right to ignore global warming, that time has long passed. We have got to get real about this issue—and getting real will require a commitment to reducing our dependence on oil instead of continually talking about opening up a wildlife refuge for oil drilling. For, if we continue turning our backs on the reality of climate change, we might as well be turning our backs on our grandchildren—and this is why I am optimistic that the Senate's treatment of global warming is nearing its own tipping point, a point after which we will provide the leadership that our constituents are increasingly expecting from us.

TRIBUTE TO TIM PETTY

Mr. SANTORUM. Mr. President, I would like to take a moment and acknowledge the dedicated service of Tim Petty, director of information resources for the U.S. Senate Republican Conference, which I chair. Tim is moving on to become a Deputy Assistant Secretary at the U.S. Department of Interior, and today is his last day serving the Senate.

Since 1999, Tim has served as an integral team leader in the creation and development of the Internet technology department established by the Senate Republican Conference. This department was created to help the Conference implement a comprehensive technology strategy to help the Republican leadership efficiently and effectively use evolving Internet communication capabilities.

Over the course of the past 7 years, Tim has led efforts and worked in collaboration with Senate and leadership offices in transforming the way the conference communicates and disseminates information using 21st century strategies and technology. Tim is always thinking of the next step, the next tool, the next idea.

Highlights of just a few of Tim's many accomplishments at the Senate include a 2002 overhaul of the leadership's Intranet, known as the TrunkLine. This successful redesign and restructuring of the Intranet enhanced the ability of staff members to find key information provided from the Leadership, which helps strengthen communication strategies and overall messaging. In 2004, the TrunkLine was recognized by a prominent Internet usability report as one the top 10 government Intranets in the world. Only 3 of the top 10 Intranets selected were from the United States.

In keeping with the vision of helping offices with their technology strategies, Tim led an initiative involving online database access that allowed all Senate offices to develop their own dynamic Web sites. Many offices are now able to more fully manage their own Web sites and share information as a result of this effort.

One of Tim's primary objectives over the past 2 years has been enhancing the conference's ability to utilize wireless communications. A year ago the Republican Cloakroom began posting key legislative updates to the TrunkLine which then generates notices to wireless devices instantaneously when a legislative bill is hotlined. Prior to this change, notifications were done through a telephone broadcast system.

Another technological communications tool Tim initiated for the conference is videoconferencing, which has allowed Senators to talk to State offices, meet with students in their classrooms, and to participate in conferences and meetings of constituents in real time.

Tim also recognized the value of blogging and has implemented a strategy to reach beyond the usual media to take advantage of reaching a new audience with the Republican message.

Tim's leadership in the area of technology strategy has been invaluable to our conference. I appreciate his enthusiasm and tireless efforts to help move an institution known for holding onto traditions into the 21st century. I wish him the very best in his new service.

ADDITIONAL STATEMENTS

TRIBUTE TO KATHLEEN M. FOLEY BARRETT

● Mr. KERRY. Mr. President, I rise today to honor the life and service of an inspiring trooper from the Massachusetts State Police, Kathleen M. Foley Barrett. Kathleen dedicated 27 years of her life to protecting the people of Massachusetts, and I join her colleagues and family in paying tribute to a career defined by compassion, professionalism, and a sustained love of police work.

A native of Cambridge, MA, Kathleen was raised and educated in Weymouth. Initially she considered nursing school, but Kathleen's passion for police work started her on a career path that few women were encouraged to follow at the time. Kathleen ultimately earned the chance to join the 62nd Recruit Training Troop in November 1980.

After working on the force for 5 years, Kathleen was promoted to the level of master trainer on the State Police K–9 Unit. She bonded instantly with the specially trained canine teams and rose to such prominence that her expertise was called upon to lead seminars and provide instruction on cadaver work. Beyond the borders of Massachusetts, Kathleen was called upon to help the Royal Canadian Mounted Police and the rescue efforts following the September 11th terrorist attacks in New York. Two thousand four brought the unfortunate cancer diagnosis that would ultimately claim her, but even that news could not keep her from coming to the aid of her fellow citizens in the wake of Hurricane Katrina.

Kathleen loved police work, and her colleagues loved her. Over the course of her career she belonged to the State Police Association of Massachusetts, the North American Police Work Dog Association, and the International Association of Police Work Dogs. Her love of animals defined her private life as well as her professional one, and she enjoyed swimming with manatees and feeding bottleneck tigers at Florida's Amazing Exotics Education Center.

As the cancer progressed and the end approached, law enforcement officers from around the Commonwealth and across the country made sure Kathleen knew how much she was valued and respected. State Police Colonel Thomas G. Robbins honored her at her bedside with the Colonel's Award of Excellence, a tribute bestowed on only seven troopers in Massachusetts history. Officers of every stripe bowed their heads upon news of her death on March 23, 2006.

Mr. President, Kathleen's characteristic perseverance stands as an inspiration and challenge to us all. She lived an American life, one of service and struggle, and throughout it all she was guided by an unshakable commitment to her family, her job, and her colleagues. We are thankful for her time with us, we are better for her time here, and I join every Massachusetts State trooper in serving witness to the loss of an exemplary law enforcement officer.●

HONORING THE COLORADO UNIVERSITY SKI TEAM

● Mr. ALLARD. Mr. President, I am honored to recognize the University of Colorado—CU—ski team for claiming their 17th national ski championship title at the 53rd Annual NCAA Championship. I am also extremely proud that the CU ski team has been invited to participate in the National Student-Athlete Day activities at the White House on April 6. This is an incredible honor for these young athletes, their coaches, their parents, and the University of Colorado.

The CU ski team overcame insurmountable odds to claim their 17th national ski championship. This year's ski team was the first team in U.S. history to win the national title without a full 12-skier team. This year's team broke and set the largest comeback record in NCAA ski team history—winning the title after being ranked sixth following the first full day of competition. Battling injury, illness, and an underdog status, the CU ski team went on to claim a national victory with a 98-point lead—the fourth largest margin of victory in NCAA ski team history. CU team skiers also claimed four individual titles and eight All-American honors. These team members deserve national recognition for their focus, determination, and spirit.

It is this team's spirit, leadership, and record of achievement that will be honored by President Bush on National Student-Athlete Day, this April 6th. The CU ski team is being honored for their excellence in academics and athletics as well as for their contributions to their community. National Student-Athlete Day also represents an opportunity to recognize the parents, teachers, and coaches who have helped mold and challenge these outstanding student-athletes. This honor is representative of the University of Colorado under the outstanding leadership and commitment of University president Hank Brown, CU athletic director Mike Bohn, and Colorado ski team head coach Richard Rokos. Due to the talent, dedication, and leadership of the CU athletes, coaches, and university leadership, the University of Colorado is back on top of the collegiate skiing world.

Congratulations to the University of Colorado, the ski team, the coaches, and the community that has supported this team throughout this winning, landmark season.

On behalf of the State of Colorado, I am proud to honor and commemorate the University of Colorado's ski team and request that my colleagues join me in paying tribute to the University of Colorado and these outstanding young men and women.●

LADY BULLDOGS

● Mr. THUNE. Mr. President, today I rise to honor the women's gymnastics team from Madison Central High School. In February, the Lady Bulldog gymnasts won their 12th straight South Dakota State championship.

The Lady Bulldogs already held the record for consecutive South Dakota Prep Team Titles in any sport with their win last year. The Madison gymnastics program is currently in second place nationally for most consecutive victories and is now just one win shy of the national record. The Lady Bulldogs is the only team in the top 10 nationally that have an active winning streak.

I would like to take this opportunity to recognize the hard work and dedication of so many in the Madison Central

School District: Coach Maridee Dossett; Athletic Director Bud Postma; Principal Sharon Knowlton; and Superintendent Dr. Frank Palleria. The efforts put forth by these individuals have made it possible for the students to participate and perform at the highest level. I would also like to commend the gymnasts' parents for all the support and time they have put into the program.

Most of all I would like to congratulate the women who won this years State Championship and the women who have been a part of this impressive program. You have created an atmosphere that is conducive to success and made the most of your opportunity. Again, congratulations and the best of luck as you look toward next season.●

TRIBUTE TO ROBERT CLEVERLY

● Mr. BURNS. Mr. President, I rise today to honor and recognize a man who has dedicated his life to education, Mr. Robert Cleverly. Bob was responsible for establishing the Close-up Foundation program at Ennis High School and has been involved in the program for over 20 years. During those years he has also been instrumental in establishing the Close-up program in numerous Montana schools. Bob was chosen by the Close-up Foundation in 1996 and 1997 and awarded the Linda Myers Chozen Award for Teaching Excellence in Civic Education. This award honors teachers and administrators who have demonstrated outstanding leadership, innovation, and commitment to the foundation's citizenship mission. In addition to his Close-up advocacy, Bob was a history teacher at Ennis High School for 38 years and is credited with organizing the first aid and CPR program. Bob was active in the school's extra curricular activities as a very successful football coach, taking several teams to statewide level competition and winning two State championships. As a result of his coaching abilities and team organization skills, Bob was inducted into the Montana Coaches Hall of Fame.

Education is crucial to the future of America, and it is teachers like Bob who make education their priority, devoting their life to the future of our youth. Bob has been taking students to Washington, DC, for over 20 years with the Close-up program, giving students of Montana a firsthand view on how our Federal Government works, while experiencing the history our Nation's Capital has to offer. At great loss to Montana's high school students, this will be Bob's last year in the Close-up program, but thanks to his hard work, many Montana students for years to come will be able to explore our Nation's Capital through the Close-up program. I personally thank Bob and acknowledge his dedication, for he has gone above and beyond his civic duty.

We are proud as well as fortunate to have educators like Bob Cleverly in Montana, who are willing to dedicate their lives to educate and prepare our children for the future.●

TRIBUTE TO JAMES C. BARBIERI

● Mr. LUGAR. Mr. President, today I mark the passing of a great Hoosier newspaperman and civic leader, James C. Barbieri.

My condolences go out to his wife Barbara, his son Chuck, his daughter Cindi, and his four grandchildren and one great grandchild. They shared this remarkable man with the wonderful community of Bluffton, IN, which also mourns his passing.

Beginning in 1950, Jim Barbieri worked almost every job conceivable at the Bluffton, IN, News-Banner. He was a reporter, advertising salesman, and circulation director. He became general manager of the venerable Wells County publication in 1975 and then coowner, president, and publisher in 1986.

It was not unusual that on any given day he might write every page-1 story, the editorial, and if someone called in sick, he would pick up a delivery route, too. He was always available because he only missed 1 day of work over a 50-year stretch.

Born and raised in Park Ridge, IL, he attended DePauw University in Indiana where he was editor of the student newspaper. After serving his country in the Army during the Korean War, Jim worked briefly at The Chicago American before coming to Bluffton.

In 2005, the Hoosier State Press Association awarded Jim the Charlie Biggs Commitment to Community Award.

Jim Barbieri had that venerable smalltown newspaperman ready opinion on virtually everything that passes us by in life. Whether it was roads, parks, or the time Indiana should set its clocks in the summer, Jim used his unique forum to editorialize. I knew he was always looking over my shoulder providing ready comment on anything I did in the State, national, or international arena.

On visits to Bluffton, Jim Barbieri would cover the community event I was attending and then, in an extensive interview, explore my thoughts on the issues of the day. He would then exhaustively report all of it in the newspaper astutely and accurately.

He did not cease to impress all with his indefatigability. At the celebration of his 50 years with The News-Banner, Jim wrote this poem:

So that the way I work may be out of date,
But don't try to bend me and make me go straight.
Let me go on in my very old fashion
Covering the news with an old time passion.
The style in which my career has been blest,
To you may be faulty, but I (gave) it my best.
When God takes me home at the end of my years,
He'll not straighten me out and pop all my gears.
He'll say ''you, reporter, for the sins that you bring,
We'll take you like you are with a bent angelic wing.''
And we all know that Heaven could not run well
Without a journalist to give them all hell.
So in the celestial press room we bid you to trod,
But don't ever misquote Peter or misspell God.●

RETIREMENT OF ANTHONY FELICIA, JR.

● Mr. CARPER. Mr. President. I rise today in recognition of Anthony Felicia, Jr., upon his retirement as vice president of R&D and clinical administration for AstraZeneca. Tony's dedication and ability have won him the respect of friends and coworkers alike, along with the gratitude of many in the first State. He has been, and remains, a trusted friend of Delaware.

A native of Syracuse, NY, Tony was born on August 26, 1950, to Anthony and Maryann Felicia. He received his bachelor's degree from the State University of New York and completed his master's degree at Syracuse University.

Tony has been with AstraZeneca and the former Zeneca Pharmaceuticals and ICI for 28 years and has worked in operations, quality assurance, supply chain management, facilities and engineering, production operations, and international planning. Prior to Tony's employment with ICI in 1978, he worked for Bristol Laboratories in Syracuse, NY, from 1973 to 1977, where he held various quality assurance and production positions.

Throughout his career, Tony has provided strong leadership and served as a role model to many. One of the numerous highlights of his outstanding career was the pivotal role he played in helping to bring AstraZeneca's U.S. headquarters to Delaware during my time as Governor. I will always remember how Tony's main concern was making sure that the move was the right decision for his fellow employees and their families, as well as for shareholders. His hard work and down-to-earth personality made him a pleasure to work with during this critically important time. Both AstraZeneca and the first State are better off because of his efforts.

While his professional accomplishments are worthy of our admiration, it is within his personal life that Tony truly stands as an example to us all. Tony has volunteered a great deal of his time to support a number of nonprofit and business organizations within the Delaware community, including Easter Seals, Delaware Technology Park, and the American Heart Association. Tony is currently in his sixth year of service as the president of the board of trustees for the Delaware Museum of Natural History. He also served on the Newark City Council from 1992 to 1998.

His leisure interests include playing golf, helping his children, and enjoying the beauty of Delaware at his beach house in Bethany. Now that he has more free time, Tony plans to spend

more time with his parents in Syracuse, NY. He also is starting a corporate consulting company and will remain active within the Delaware business community.

Tony lives with his wife Susan in Hockessin, DE. They have five children, Brian, Carrie, Heather, Meghan, and Dylan.

Through his tireless efforts, Tony Felicia has made a positive difference in the lives of thousands of individuals and enhanced the quality of life for our State. Upon his retirement, he will leave behind a legacy of commitment to public service for both his children and for generations that will follow. I thank him for the friendship that we share, and I congratulate him on a truly remarkable and distinguished career. I wish him and his family only the very best in all that lies ahead for each of them.●

HONORING DR. CARL TAYLOR

● Mr. SESSIONS. Mr. President, I would like to make some remarks today about a committed and pioneering individual, Dr. Carl Taylor, the assistant dean and director of the Center for Strategic Health Innovation at the University of South Alabama. Dr. Taylor earned a bachelor's degree in political science from Marshall University, a juris doctor from the University of Miami, and is a Fellow at the Royal Institution in London. He serves on the State of Alabama's Department of Public Health bioterrorism advisory board and has been the principal investigator on nearly a dozen disaster related grants, including the grant that developed the Alabama incident management software system which he superbly presented recently to the Senate Subcommittee on Bioterrorism and Public Health Preparedness.

This software system, referred to as AIMS, is an online hospital surge capacity and surge capability management tool used to support public health efforts during large-scale disaster response. This easy-to-use system shows which hospitals have available beds, staff, and equipment in real time while allowing hospitals to request help or offer assistance to one another. During Hurricane Katrina, AIMS was the software tool used by the Alabama Department of Public Health to manage information from 83 hospitals and 7 medical needs shelters. AIMS was vital to Alabama's outstanding performance in delivering quality medical care to vulnerable individuals in a time of crisis.

I commend Dr. Taylor for his leadership and creativity in developing this system that has application for the entire country. His work has the potential to save lives and reduce cost. This spirit of ingenuity is what keeps America strong.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submiting a treaty which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States and the Oriental Republic of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment, with Annexes and Protocol, signed at Mar del Plata, Argentina, on November 4, 2005. I transmit also, for the information of the Senate, the report prepared by the Department of State with respect to the Treaty.

The Treaty is the first bilateral investment treaty (BIT) concluded since 1999 and the first negotiated on the basis of a new U.S. model BIT text, which was completed in 2004. The new model text draws on long-standing U.S. BIT principles, our experience with Chapter 11 of the North American Free Trade Agreement (NAFTA), and the executive branch's collaboration with the Congress in developing negotiating objectives on foreign investment for U.S. free trade agreements. The Treaty will establish investment protections that will create more favorable conditions for U.S. investment in Uruguay and assist Uruguay in its efforts to further develop its economy.

The Treaty is fully consistent with U.S. policy towards international and domestic investment. A specific tenet of U.S. investment policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment and most-favored-nation treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation and for the minimum standard of treatment. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investment; freedom of investment from specified performance requirements; and the opportunity of investors to choose to resolve disputes with a host government through international arbitration. The Treaty also includes extensive transparency obligations with respect to national laws and regulations, and commitments to transparency and public participation in dispute settlement. The Parties also recognize that it is inappropriate to encourage investment by weakening or reducing the protections afforded in domestic environmental and labor laws.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 4, 2006*.

MESSAGE FROM THE HOUSE

At 12:00 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 609. An act to amend and extend the Higher Education Act of 1965.

The message also announced that pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), and the order of the House of December 18, 2005, the Speaker appoints the following member of the House of Representatives to the Congressional Award Board: Mr. CHOCOLA of Indiana.

The message further announced that pursuant to 20 U.S.C. 2103(b), the order of the House of December 18, 2005, and upon the recommendation of the Minority Leader, the Speaker reappoints the following member on the part of the House of Representatives to the Board of Trustees of the American Folklife Center in the Library of Congress for a term of 6 years, effective April 1, 2006: Mr. William L. Kinney of South Carolina.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 609. An act to amend and extend the Higher Education Act of 1965.

MEASURES DISCHARGED

The following bill was discharged from the Committee on Banking, Housing, and Urban Affairs by unanimous consent, and ordered placed on the calendar:

S. 598. A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–287. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to the reduction in troop strength of the Army National Guard and proposed cuts in the force structure of the Air National Guard; to the Committee on Armed Services.

SENATE RESOLUTION 229

Whereas, on January 18, 2006, the Secretary of the Army announced a plan to eliminate 6 combat brigades from the Army National Guard nationwide and to reduce the authorized troop strength of the Army National Guard from 350,000 to 333,000; and

Whereas, substantial cuts in the force structure of the Air National Guard may be proposed as part of the Federal budget and Quadrennial Defense Review processes; and

Whereas, our nation and the Commonwealth of Pennsylvania rely on the National Guard like never before to fight the global war on terrorism and to respond to domestic emergencies; and

Whereas, the National Guard offers tremendous capabilities as an essential part of our nation's total force for national defense while at the same time being available to the Governor to respond to emergencies in the Commonwealth of Pennsylvania; and

Whereas, the National Guard costs less than 5 percent of our nation's defense budget but provides the only military force shared by the Federal Government and the states; and

Whereas, the proposed elimination of combat brigades from the Army National Guard represents a shortsighted and ill-advised approach that will adversely affect national defense, homeland security and the ability to respond to state emergencies; and

Whereas, the 3 combat brigades of Pennsylvania's 28th Keystone Division have served with distinction at home and abroad since the September 11, 2001, attacks on the United States; and

Whereas, the Army has recognized the capabilities of the Pennsylvania Army National Guard by designating the 56th Brigade as the first and only Army National Guard Stryker Brigade Combat team in the nation; and

Whereas, major elements of Pennsylvania's 2nd Brigade Combat Team are currently deployed to one of the most dangerous areas of Iraq, the 55th Brigade deployed to Europe in Operation Keystone after the 9/11 attacks, and elements of the 56th Brigade deployed to Kosovo; and

Whereas, in response to Hurricane Katrina, virtually the entire 56th Brigade and other elements of the Pennsylvania Army and Air National Guard deployed to the Louisiana Gulf Coast region on short notice and provided vital emergency support; and

Whereas, the 3 combat brigades of the Pennsylvania Army National Guard are aligned to provide emergency response to the Pennsylvania Emergency Management Agency's 3 regions; and

Whereas, more than 4,000 airmen of the Pennsylvania Air National Guard have performed close to 8,000 individual deployment events since 9/11, including initial war fighting support to Operation Enduring Freedom and Operation Iraqi Freedom while supporting Operation Noble Eagle protecting our sovereign airspace at home; and

Whereas, major changes to the branch, organization or allotment of National Guard units require the approval of the Governor as commander-in-chief; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the President and Congress of the United States to maintain the combat capabilities and force structure of the National Guard; and be if further

Resolved, That the Senate urge the Secretary of Defense to reconsider and withdraw the proposed elimination of 6 combat brigades from the Army National Guard; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–288. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to enacting the ''School Energy Crisis Relief Act''; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION 13

Whereas, the ''School Energy Crisis Relief Act,'' established in S.1997 and H.R. 4158, authorizes the U.S. Secretary of Energy to create a federal program of energy assistance grants to public school districts; and

Whereas, the ''School Energy Crisis Relief Act'' is designed to award school energy grants to the school districts that have experienced the highest percentage' increase or expenditure increase in transportation and heating fuel costs among all school districts in each state for a specific time period during the 2005–2006 school year, in comparison to the same time period during the 2004–2005 school year; and

Whereas, many public agencies across the country are struggling to cope with a dramatic, unexpected surge in their energy costs, with schools facing an additional burden in that they operate large fleets of buses and heat large, sprawling buildings, and urban school districts are especially burdened by some of the nation's oldest, and often least, energy-efficient buildings; and

Whereas, these unanticipated energy costs are a great challenge, and many public school boards throughout the United States are facing a choice between paying their higher energy bills or cutting instructional staff and programs; and

Whereas, the ''School Energy Crisis Relief Act'' would allow the U.S. Secretary of Energy to award grants to public school districts that are among the top 10 percent of all districts in their' state for numbers or percentages of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 US.C. 6333(c)); and

Whereas, the grant amounts would be awarded based on the population of children between the ages 5 and 17 of that state according to the most recent federal decennial census, in comparison to all other states, as well as the regional cost of transportation and heating fuel in comparison with the average national cost, as determined by the most recent statistical data from the U.S. Energy Information Administration; and

Whereas, it is in the best interest of this State to support the enactment of the ''School Energy Crisis Relief Act,'' in order to reduce the financial burden of higher heating and transportation costs affecting our Public school districts' now therefore be it

Resolved by the Senate of the State of New Jersey:

1. The Senate of the State of New Jersey memorializes the U.S. Congress and President to enact S. 1997 and H.R. 4158, the ''School Energy Crisis Relief Act,'' which establishes a federal program of energy assistance grants to local school districts.

2. Duly authenticated copies of this resolution, signed by the, President of the Senate and attested by the Secretary thereof, shall be transmitted to the President and the Vice President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority leaders of the United States Senate and the United States House of Representatives, and each member of the United States Congress elected from this State.

POM–289. A resolution adopted by the Board of Chosen Freeholders, Bergen County, State of New Jersey relative to denouncing the sale of six major United States port operations to Dubai Ports World; to the Committee on Commerce, Science, and Transportation.

POM–290. A resolution adopted by the Township of Belleville, State of New Jersey, entitled ''Resolution Opposing Governmental Approval or Approval by the Committee on Foreign Investments for the Sale of Peninsular and Oriental Steam Navigation Co. to Dubai Ports World''; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2012. A bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes (Rept. No. 109–229).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMAS (for himself, Mr. SCHUMER, and Mr. ENZI):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties; to the Committee on Finance.

By Mr. KERRY:

S. 2499. A bill to provide for the expeditious disclosure of records relevant to the life and assassination of Reverend Doctor Martin Luther King, Jr; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. KERRY):

S. 2500. A bill to enhance the counseling and readjustment services provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEWINE:

S. 2501. A bill for the relief of Manuel Bartsch; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2502. A bill to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. THOMAS):

S. 2503. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs; to the Committee on Finance.

By Mr. KENNEDY:

S. 2504. A bill to eliminate child poverty; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DEWINE, and Mr. VOINOVICH):

S. 2505. A bill to suspend temporarily the duty on aerosol valves designed to deliver a metered dose (50 microliters) of a pressurized liquid pharmaceutical; to the Committee on Finance.

By Mr. OBAMA (for himself, Mr. DURBIN, Mrs. CLINTON, and Mr. KERRY):

S. 2506. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself and Mr. LEVIN) (by request):

S. 2507. A bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. BIDEN, Mr. LEAHY, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. LAUTENBERG, Mr. HARKIN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. COLEMAN):

S. Res. 421. A resolution calling on the Government of Afghanistan to uphold freedom of religion and urging the Government of the United States to promote religious freedom in Afghanistan; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. SANTORUM, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, and Mr. STEVENS):

S. Res. 422. A resolution designating April 21, 2006, as ''National and Global Youth Service Day'', and for other purposes; considered and agreed to.

By Mr. INHOFE (for himself and Mr. COBURN):

S. Res. 423. A resolution designating April 8, 2006, as ''National Cushing's Syndrome Awareness Day''; considered and agreed to.

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. Con. Res. 85. A concurrent resolution honoring and congratulating the Minnesota National Guard, on its 150th anniversary, for its spirit of dedication and service to the State of Minnesota and the Nation and recognizing that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. CHAMBLISS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 25, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 666

At the request of Mr. DEWINE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 696

At the request of Mr. BURNS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 696, a bill to amend the Elementary and Secondary Education Act of 1965 regarding the transfer of students from certain schools.

S. 908

At the request of Mr. MCCONNELL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 908, a bill to allow Congress, State legislatures, and regulatory agencies to determine appropriate laws, rules, and regulations to address the problems of weight gain, obesity, and health conditions associated with weight gain or obesity.

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 908, supra.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1396

At the request of Mr. ALLEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1396, a bill to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes.

S. 1405

At the request of Mr. NELSON of Nebraska, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1677

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1677, a bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for college tuition expenses and to expand such deduction to include expenses for books.

S. 1687

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1864

At the request of Mr. TALENT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1864, a bill to amend the Internal Revenue Code of 1986 to treat certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 2305

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2305, a bill to amend title XIX of the Social Security Act to repeal the amendments made by the Deficit Reduction Act of 2005 requiring documentation evidencing citizenship or nationality as a condition for receipt of medical assistance under the Medicaid program.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2322

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2322, a bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 2327

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2327, a bill to require the FCC to issue a final order regarding white spaces.

S. 2370

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Michigan (Mr. LEVIN), the Senator from North Carolina (Mrs. DOLE), the Senator from Iowa (Mr. HARKIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2381

At the request of Mr. FRIST, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2381, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide line item rescission authority.

S. 2401

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr.

SMITH) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2416

At the request of Mr. BURNS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2416, a bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

S. 2471

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2471, a bill to suspend temporarily the duty on Basic Red 1 Dye.

S. 2472

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2472, a bill to suspend temporarily the duty on Basic Red 1:1 Dye.

S. 2473

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2473, a bill to suspend temporarily the duty on Basic Violet 11 Dye.

S. 2474

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2474, a bill to suspend temporarily the duty on Basic Violet 11:1 Dye.

S. CON. RES. 46

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of the Congress that the Russian Federation should fully protect the freedoms of all religious communities without distinction, whether registered and unregistered, as stipulated by the Russian Constitution and international standards.

S. RES. 313

At the request of Ms. CANTWELL, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. Res. 313, a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 371

At the request of Mr. THOMAS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Res. 371, a resolution designating July 22, 2006, as ''National Day of the American Cowboy''.

AMENDMENT NO. 3204

At the request of Mr. INHOFE, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Oklahoma (Mr. COBURN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 3204 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3213

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of amendment No. 3213 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3217

At the request of Ms. MIKULSKI, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 3217 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3225

At the request of Ms. LANDRIEU, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of amendment No. 3225 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3226

At the request of Mr. BOND, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of amendment No. 3226 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3249

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of amendment No. 3249 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself, Mr SCHUMER, and Mr. ENZI):

S. 2498. A bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties; to the Committee on Finance.

Mr. THOMAS. Mr. President, today I rise to introduce a taxpayer privacy bill.

Much attention has been focused recently on IRS-proposed changes to regulations regarding taxpayer privacy. Interestingly, these proposed changes have been widely—and incorrectly—reported as changing the law to allow tax preparers to sell taxpayer information to third parties for marketing purposes. In fact, an IRS regulation put into place more than 30 years ago already allows confidential taxpayer information to be shared in this manner, as long as the taxpayer consents.

The public uproar that has surrounded the proposed changes to this regulation makes it clear that taxpayers are not aware of this fact and expect that their return information will be kept confidential. Confidentiality of taxpayer information is a key underpinning of our voluntary tax system, encouraging taxpayers to provide complete and honest returns.

The complexity of the tax code has resulted in 60 percent of all returns being completed by paid preparers. The process is a very intimidating one for most. Given the stress and vulnerability of taxpayers during the process, and the high dollar value of confidential taxpayer information, I am concerned that financially-motivated tax preparers may present the taxpayer with a stack of papers for the taxpayer to sign, including, unbeknownst to the taxpayer, a consent form to share the information with third parties. The taxpayer could easily be under the impression that all of the papers are required to be signed in order to have the return prepared, completely undermining the requirement of signed, informed consent.

In an era of lightning-fast electronic communication—in which information can travel around the world and back in a matter of seconds—and the proliferation of identity theft, it seems to me that we ought to bring the law in line with taxpayer expectations. When this regulation was promulgated back in 1974, our citizens weren't anywhere nearly as vulnerable to this crime as they are today. We have made changes with regard to credit reports and individuals' access to them, we have removed Social Security numbers from drivers' licenses and medical ID cards, and we need to similarly remove the threat of taxpayer information being shared in ways that are not condoned by the individual taxpayer. This bill would do just that by prohibiting tax preparers from both soliciting consent and sharing tax return information with third parties.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF TAX PREPARERS DISCLOSING TAX RETURN INFORMATION.

(a) IN GENERAL.—Paragraph (3) of section 7216(b) of the Internal Revenue Code of 1986 (relating to regulations) is amended to read as follows:

''(3) REGULATIONS.—

''(A) IN GENERAL.—Subsection (a) shall not apply to a disclosure or use of information which is permitted by regulations prescribed by the Secretary under this section.

''(B) PEER REVIEWS.—The regulations under this section shall permit (subject to such conditions as such regulations shall provide) the disclosure or use of information for quality or peer reviews.

''(C) DISCLOSURE TO THIRD PARTIES.—

''(i) IN GENERAL.—The regulations under this section shall not permit the disclosure or use of information for purposes of facilitating the solicitation of the taxpayer's use of any services provided or facilities furnished by a person unless—

''(I) such person is a person described in subsection (a) or a person who is a member of the same affiliated group (within the meaning of section 1504) as such person, and

''(II) the taxpayer has granted consent to such disclosure or use.

''(ii) SOLICITATION OF CONSENT.—The regulations under this section shall not permit any person described in clause (i)(I) to request the consent of a taxpayer to disclose or use information for any purpose other than a purpose described in clause (i).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

By Mr. KERRY:

S. 2499. A bill to provide for the expeditious disclosure of records relevant to the life and assassination of Reverend Doctor Martin Luther King, Jr.; to the Committee on Homeland Security and Governmental Affairs.

Mr. KERRY. Mr. President, today, on the anniversary of Dr. Martin Luther King, Jr.'s assassination, I am pleased to join with my colleague in the House, Congresswoman CYNTHIA MCKINNEY to introduce the Martin Luther King, Jr., Record Collections Act. This act will ensure the expeditious disclosure and preservation of records relevant to Dr. King's life and death. Fully releasing these records—many of which are not subject to disclosure until 2038—will shed significant light on a turning point in American history. My friend, Representative JOHN LEWIS, explained its necessity quite eloquently:

I, too, was the subject of unwarranted FBI surveillance during the Civil Rights Movement. Because we do not know this part of our history, it is clear that we are beginning to repeat it. Recently, we became aware of the administration's domestic spying program that has targeted peace groups that are carrying on the nonviolent action of Dr. King. It is time that we know our history, and passage of the Rev. Martin Luther King, Jr. Records Act will take us one step closer to uncovering that history.

Judge Joseph Brown, the last presiding judge in James Earl Ray's post-conviction relief proceedings, also supports this legislation. He believes that it is important to:

. . . fully release the still classified historical record surrounding the life and death of the late Dr. King. In light of the disturbing records and documents that came to light in James Earl Ray's petition before me and in consideration of the recent furor over the power and authority granted to certain officials under the guise of the Homeland Security Act, it might prove most illuminating to review the historical record relative to the exercise of purportedly similar power and authority by the U.S. officials 40 years ago. The American public, the citizens of the Land of the Free and Home of the Brave deserve this access to the historic record surrounding the life and death of Dr. King.

Our legislation will create a Martin Luther King Records Collection at the National Archives. This will include all records—public and private—related to the life and death of Dr. King, including any investigations or inquiries by Federal, State, or local agencies. The records will be organized in a central directory to allow the public to access them online from anywhere in the world. The documents will be overseen by a review board consisting of at least one professional historian, one attorney, one researcher, and one representative of the civil rights community.

The MLK Records Review Board, a five-member independent agency, will be responsible for facilitating the review and transmission of all related records to the Archivist for public disclosure. Members will be nominated by the President and approved with the advice and consent of the Senate. It will have the power to direct government offices to locate and organize related records and transmit them for review or release. It will also have the power to investigate the facts surrounding the transmission or possession of records, take testimony of individuals in order to fulfill their responsibilities, request the Attorney General to subpoena private persons or government employees to compel testimony or records and require agencies to account in writing for any previous or current destruction of related records. In addition, the Board can request that the Attorney General petition any court in the U.S. or abroad to release any sealed information or physical evidence relevant to the life or death of Dr. King, and to subpoena such evidence if it is no longer in the possession of the government. The MLK Records Review Board will also be required to provide annual reports to Congress, the President, the Archivist, and all government agencies whose records have been reviewed, and to the public. The Board must terminate its work no later than 5 years from the passage of the Act unless it votes to extend for an additional 2-year term.

The reason for having such a Board is to ensure that someone is responsible for finding all relevant records and that the records do not disclose any sensitive information. It is particularly important to have a Board like this given recent revelations by the New York Times that the government has begun removing thousands of declassified documents on a wide range of historical subjects from public access at the National Archives. There has perhaps never been a more urgent time to bring the records on Dr. King into the light of day. According to the National Archives, about 9,500 records totaling more than 55,000 pages have been withdrawn from the public shelves and reclassified since 1999. We need to ensure that the records relating to the life and death of Dr. Martin Luther King, Jr., do not suffer the same fate. They are too important to us at this point in American history.

Dr. King challenged the conscience of my generation, and his words and his legacy continue to move generations to action today. His love and faith is alive in the millions of Americans who volunteer each day in soup kitchens or in schools, and those who refused to ignore the suffering of thousands they'd never met when Hurricane Katrina destroyed lives and communities. His vision and his passion are alive in churches and on campuses when millions stand up against the injustice of discrimination or the indifference that leaves too many behind.

The best way to honor the memory of Dr. King is to finish his work at home and around the world. And the first step to furthering his legacy is to know the full body of it. I hope that my colleagues will join me in this very important effort: to preserve and learn from records relating to the life and death of Dr. Martin Luther King, Jr.

By Mr. AKAKA (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. KERRY):

S. 2500. A bill to enhance the counseling and readjustment services provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise proudly today on behalf of our Nation's veterans and returning servicemembers to introduce the Healing the Invisible Wounds Act of 2006. This legislation will enhance the counseling and readjustment services provided by the Department of Veterans' Affairs (VA). And it will protect the rights of veterans to receive PTSD compensation—now or in the future.

Many of the men and women who served in Iraq and Afghanistan are suffering from some of the most severe physical injuries. However, even more of these brave servicemembers have invisible wounds—difficulties with adjusting to not being on the battlefield or dealing with long-lasting visions and experiences that they encountered. My bill is intended to ensure that these men and women receive the readjustment counseling and mental health services necessary to transition into what we hope to be a full and productive life after combat.

This issue is especially relevant following the release of a mental health care study conducted by the Army Institute of Research which revealed that as many as 35 percent of Iraq war veterans received mental health care services in the year after their return home. The study concluded that the high rate of using of mental health care services among Operation Iraqi Freedom veterans after deployment highlights challenges in ensuring that there be adequate resources to meet the mental health needs of returning veterans.

As we all know, the transition period for these soldiers is extremely critical. So critical that it can, in some cases, mean the difference between short-

term readjustment issues and severely chronic psychological conditions. This bill supports and encourages greater cooperation between VA and the Department of Defense, DoD, through the expansion of innovative Reunion and Re-entry activities carried out by Vet Center staff. These activities provide members of the National Guard and Reserves with counseling services during the transition from their deployment overseas to civilian life.

Demobilization often occurs so rapidly for these returning servicemembers that they sometimes do not receive or are overwhelmed by the benefits information they need. It is understandable that our servicemembers are much more focused on being reunited with their loved ones than caring about what benefits they are eligible to receive. My bill provides a comprehensive approach by providing group session counseling, a one-hour private counseling session, a presentation to family members about counseling-related matters, and other services that are deemed appropriate by the Secretaries of Veterans Affairs and Defense. My bill ensures that these services are provided no later than 14 days upon return and that servicemembers be retained on active duty until they receive these crucial counseling services.

In order to provide feedback and reflection about how to better serve veterans in this capacity, my bill requires a report from VA. The report would detail the costs associated with the provision of counseling services, an assessment of the efficacy of the services provided to meet the readjustment needs of veterans, and a survey-based assessment regarding the satisfaction of veterans receiving these services, that would include the manner in which these services are provided.

Servicemembers have paid a great price in defending freedom. Access to treatment and counseling to heal invisible wounds must be considered a continuing cost of war. In that spirit, this legislation would authorize $180 million for the provision of readjustment counseling services. Colleagues, if there's one lesson we've learned thus far, it is that the earlier we provide these services, the better chance we have of preventing more serious mental health conditions. We need to invest in our future now. If we don't provide these services, we will be paying a much, much higher price in the future.

The safe counseling havens of VA include Vet Centers, which are great conduits for the delivery of these types of transition activities. All Vet Centers are staffed by veterans who can relate to the experiences that these OIF/OEF veterans commonly share.

In 2005, Vet Centers cared for more than 44,900 veterans of the Global War on Terrorism in Afghanistan and Iraq. In addition, Vet Centers provided bereavement counseling to more than 800 surviving family members of over 525 servicemembers who were killed while on active duty serving their country. Despite increases in the number of veterans coming to Vet Centers for care, the budget for the program has remained relatively stagnant.

My bill would also address PTSD benefits for veterans. Instead of being proactive and allocating resources to address these challenges while at the same time caring for older veterans, a fear of rising costs prompted a reactionary response from many in Washington. Some policy makers believe that reducing veterans' compensation for PTSD by reexamining 72,000 previously awarded claims might be a good way to save money. This is a bad idea.

Many times, VA compensation is the only source of income for severely disabled veterans and their families. I am thankful that VA set aside its plan to move forward with the PTSD Review late last year. However, there are ongoing efforts to re-evaluate how PTSD is compensated. The Institute of Medicine and Disability Benefits Commission are currently reviewing veterans' disability compensation. This bill requires the Secretary of Veterans Affairs to submit a report to Congress 6 months prior to modifying how PTSD is compensated under the disability compensation rating system. Veterans will no longer have to worry that the administration will cut disability compensation in order to save money.

Through budget shortfalls and constraints, we must remain steadfast in ensuring that our servicemembers and their families do not suffer in silence from the invisible wounds that they receive in the name of freedom. Many of us fail to give invisible wounds the attention they require. I urge my colleagues to join me in taking another step towards healing our veterans by enacting this important measure.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Healing the Invisible Wounds Act of 2006''.

SEC. 2. NOTICE AND WAIT ON MODIFICATION OF HANDLING OF POST-TRAUMATIC STRESS DISORDER UNDER DISABILITY COMPENSATION RATING SYSTEM.

The Secretary of Veterans Affairs may not implement any modification in the manner in which Post-Traumatic Stress Disorder (PTSD) is handled in the rating of service-connected disabilities for purposes of the payment of compensation under chapter 11 of title 38, United States Code, until the date that is six months after the date on which the Secretary submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on such proposed modification.

SEC. 3. COUNSELING FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES RETURNING FROM DEPLOYMENT IN A COMBAT THEATER.

(a) EXPANSION OF REUNION AND RE-ENTRY FROM COMBAT PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall provide to each member of the National Guard and Reserves described in subsection (b) the counseling services described in subsection (c) upon the return of such member from a deployment in a combat theater.

(2) PURPOSE OF SERVICES.—The purpose of the counseling services provided under this section is to assist members of the National Guard and Reserves described in subsection (b) in making the readjustment to civilian life in the United States upon their return from a combat theater.

(b) COVERED MEMBERS OF THE NATIONAL GUARD AND RESERVES.—A member of the National Guard and Reserves described in this subsection is any member of the National Guard or the Reserves who serves on active duty in a combat theater.

(c) COUNSELING TO BE PROVIDED.—The counseling services to be provided under this subsection shall include the following:

(1) A session of group counseling provided to such member together with such other number of members as the Secretary determines appropriate for the purpose of this section.

(2) A session, of not less than one hour duration, of private counseling provided to such member.

(3) A presentation on counseling-related matters, including on the readjustment counseling and related mental health services available under section 1712A of title 38, United States Code, provided to the family of such member.

(4) Such other counseling services as the Secretary determines appropriate for the purpose of this section.

(d) MEANS OF PROVIDING COUNSELING.—Counseling services shall be provided under this section through the personnel of the centers (commonly referred to as ''vet centers'') providing readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

(e) TIMING OF COUNSELING.—The counseling provided to a member of the National Guard and Reserves under paragraphs (1) and (2) of subsection (c) shall be provided not later than 14 days after the date of the return of the member to the member's home following a deployment to a combat theater.

(f) RETENTION ON ACTIVE DUTY PENDING COUNSELING.—A member of the National Guard and Reserves described in subsection (a) shall be retained on active duty in the Armed Forces until the provision of the counseling required to be provided under paragraphs (1) and (2) of subsection (c).

(g) ADDITIONAL COUNSELING.—The Secretary shall ensure that the centers referred to in subsection (d), as part of the discharge of their functions under section 1712A of title 38, United States Code, provide, and have sufficient resources to provide, such follow-up and additional counseling services to veterans described in subsection (a) as such veterans shall request from such centers, in accordance with applicable law.

(h) REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the commencement of the provision of counseling services under this section, the Secretary shall submit to the appropriate committees of Congress a report on the provision of such services under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include information as follows:

(A) The cost of the provision of counseling services under this section.

(B) An assessment of the efficacy of such services in meeting the readjustment needs of veterans described in subsection (a).

(C) An assessment (based on surveys or such information as the Secretary considers appropriate) of the satisfaction of veterans described in subsection (a) with the services provided under this section, including the manner in which such services are provided.

(D) The number of followup visits for counseling and services of veterans described in subsection (a) and the number of visits of family members of such veterans for counseling and services.

(E) Such recommendations as the Secretary considers appropriate in order to enhance the services provided under this section, including the manner in which such services are provided.

(i) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Veterans' Affairs and Armed Services of the Senate; and

(2) the Committees on Veterans' Affairs and Armed Services of the House of Representatives.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs for fiscal year 2007, such sums as may be necessary for the provision of counseling services under this section.

SEC. 4. FUNDING FOR VET CENTERS.

There is authorized to be appropriated to the Department of Veterans Affairs for fiscal year 2007, $180,000,000 for the provision of readjustment counseling and related mental health services through centers (commonly referred to as ''vet centers'') under section 1712A of title 38, United States Code.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2502. A bill to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SMITH. Mr. President, I rise today to introduce legislation that will provide a win-win for the environment and for the farmers and ranchers who receive their irrigation water from the North Unit Irrigation District in central Oregon. My colleague, Senator RON WYDEN, joins me in cosponsoring this bill. Companion legislation is also being introduced today in the House of Representatives by Congressman GREG WALDEN.

This legislation represents an opportunity to benefit nearly nine hundred farm and ranch families as well as the fish and wildlife resources of the Deschutes and Crooked Rivers. It will do so by removing a limitation in North Unit's Federal water contract with the Bureau of Reclamation. This limitation prevents the Distict and its patrons from participating in a conserved water project pursuant to the laws of the State of Oregon.

Removing this contract restriction will enable North Unit to conserve its water supplies further through the implementation of conserved water projects. In order to comply with State law, the District would return a specific percentage of the ''conserved'' water back to the Deschutes River permanently as instream flows for fish, wildlife, or other purposes. A related change would enable the District to use Deschutes Project water on acreage in its service area that is currently irrigated with Crooked River water. The savings from these two changes could ultimately allow the District to reduce its reliance on its privately developed Crooked River supplies.

Located in central Oregon's Deschutes Basin, the farm and ranch families of the North Unit Irrigation District are the embodiment of the Federal Reclamation program. Working small and medium parcels of land, they raise grass seed, carrot seed, and alfalfa hay, as well as cattle, sheep, and horses. The overriding limitation to their ability to compete successfully in the international marketplace is a shortage or water. For these families, conservation is the most efficient means to alleviate their shortage and succeed in the market.

After self-financing over eight million dollars in canal lining and other measures to increase the efficiency of their limited water supplies, North Unit would like to participate in a state water conservation program. Unfortunately, the District's Federal contract prevents it from doing so. This point has been confirmed to me by officials with the Bureau of Reclamation, an agency of the Department of the Interior. Therefore, North Unit's contract must be amended. Since Congress actually legislatively executed the District's contract in a 1954 statute, it is Congress, and not the Department of the Interior, that must remove this contract restriction.

These targeted contract changes are specific to the North Unit Irrigation District's contract. For the landowners served by the District, these changes will enable them to use their water resources more efficiently, maintain their competitiveness in the market, and benefit the fish and wildlife resources of both the Deschutes and Crooked Rivers. Our efforts are supported by the Oregon Water Resources Department, which has jurisdiction over State water rights issues. I urge my colleagues to support this legislation, and I will press for its timely consideration.

By Mrs. LINCOLN (for herself and Mr. THOMAS):

S. 2503. A bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today with my colleague, Senator CRAIG THOMAS, to introduce the Disabled Veterans Tax Fairness Act. This much-needed legislation would protect disabled veterans from being unfairly taxed on the benefits to which they are entitled, simply because their disability claims were not processed in a timely manner. This legislation is supported by the Military Coalition, a group representing more than 5.5 million members of the uniformed services and their families.

While the Department of Veterans Affairs (VA) resolves most of its filed disability claims in less than a year, there are also instances of lost paperwork, administrative errors, and appeals of rejected claims that often delay thousands of disability awards for years on end. When this occurs, disability compensation is awarded retroactively and for tax purposes, a disabled veteran's previously received taxable military retiree pay is re-designated as nontaxable disability compensation. Thereby, the disabled veteran is entitled to a refund of taxes paid and must file an amended tax return for each applicable year.

Unfortunately, under current law the IRS Code bars the filing of amended returns beyond the last three tax years. As a result, many of our disabled veterans are denied the opportunity to file a claim for repayment of additional years of back taxes already paid—through no fault of their own—even though the IRS owes them a refund for the taxes that were originally paid on their retiree pay.

The Disabled Veterans Tax Fairness Act of 2006 would add an exception to the IRS statute of limitations for amending returns. This exception would allow disabled military retirees whose disability claims have been pending for more than 3 years to receive refunds on previous taxes paid for all the years their claim was pending. Specifically, the bill would extend the IRS three year period of limitation for amending returns to one year from the date a VA determination is issued.

My father and grandfather both served our Nation in uniform and they taught me from an early age about the sacrifices our troops and their families have made to keep our Nation free. This is particularly true for our disabled veterans. During a time when a grateful Nation should be doing everything it can to honor those who have sacrificed so greatly on our behalf, the very least it can do is ensure they and their families are not unjustly penalized simply because of bureaucratic inefficiencies or administrative delays which are beyond their control. This situation is unacceptable and our veterans deserve better.

That is why I am proud to introduce this legislation today to provide relief to our Nation's veterans. It is the least we can do for those whom we owe so much, and it is the least we can do to reassure future generations that a grateful Nation will not forget them when their military service is complete.

By Mr. OBAMA (for himself, Mr. DURBIN, Mrs. CLINTON, and Mr. KERRY):

S. 2506. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, this is National Public Health Week, and the American Public Health Association and its over 200 partner organizations and sponsors have organized events to raise awareness about the importance of public health in this nation. This year, the theme of National Public Health Week, ''Designing Healthy Communities: Raising Healthy Kids,'' focuses on building healthy communities to promote and protect the health of our children.

This focus on building healthy communities is both timely and critical. We are losing ground with respect to the health of our Nation's children. Studies have found that the percentage of overweight children and adolescents has more than doubled in the last few decades; without intervention, 1 in 3 children born in 2000 can expect to develop diabetes in their lifetime. My home State of Illinois has the unfortunate distinction of having the highest number of lead-poisoned children. And other diseases and conditions, including high blood pressure and asthma, are on the rise in young populations.

As bleak as the health situation is for so many children, there is good news. Many of these diseases and health conditions are completely preventable or can be delayed for many, many years. The American Public Health Association and countless other expert organizations have told us, and shown us, that if we make a real commitment to and investment in building healthy communities, we can substantially improve the health of our children and adults. Today I am introducing the Healthy Places Act of 2006, which will do just that.

The Healthy Places Act of 2006 focuses on the built environment, which includes our homes, schools, workplaces, parks and recreation areas, business areas, and transportation systems. Where we work, live, and play has tremendous implications for our health, and improvements to these environments will lead to: greater opportunities for physical activity and a reduction in injuries because of safe sidewalks, biking paths, and parks; less reliance on personal automobiles which reduces toxic emissions; better access to fresh fruits and vegetables which leads to healthier nutrition; and the planning and building of ''green'' homes and buildings which decreases energy consumption.

Like many other States, Illinois has already begun to take steps to improve the environment. City leaders in Chicago have recognized that many low-income families have no access to fresh foods and medicine because there are no grocery stores and pharmacies in their neighborhoods. Retail Chicago, an initiative of the city's Department of Planning and Development, is now using redevelopment funds to entice local developers to bring grocery stores and pharmacies into these neighborhoods.

The Lieutenant Governor's initiative ''Six Weeks to a Greener Illinois'' is another fine example. Now in its 4th week, this effort has encouraged Illinoisans to participate in making the State a healthier place to live, and rewarded those communities that are already taking steps to do so.

The Healthy Places Act of 2006 would expand these and other efforts to improve the planning and design of communities that can promote healthier living. It establishes and supports health impact assessment programs, which would assist States and local communities in examining potential health effects of major health policy or programmatic changes. The newly created Interagency Working Group on Environmental Health would facilitate communication and collaboration on projects among the agencies in order to better address environmental health issues. In addition, the bill creates a grant program to address environmental health hazards, particularly those that contribute to health disparities. Finally, the Healthy Places Act provides additional support for research on the relationship between the built environment and the health status of residents as recommended by two Institute of Medicine's reports: ''Does the Built Environment Influence Physical Activity?'' and ''Rebuilding the Unity of Health and the Environment: A New Vision of Environmental Health for the 21st Century''.

As the health of our children continues to decline, and our health expenditures continue to soar, it is imperative that the Congress take action, and focusing on building healthier communities is a necessary step in this regard. I encourage all of my colleagues to join me and support passage of this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 421—CALLING ON THE GOVERNMENT OF AFGHANISTAN TO UPHOLD FREEDOM OF RELIGION AND URGING THE GOVERNMENT OF THE UNITED STATES TO PROMOTE RELIGIOUS FREEDOM IN AFGHANISTAN

Mr. DURBIN (for himself, Mr. BIDEN, Mr. LEAHY, Mr. KENNEDY, Mr. KERRY, Mr. SALAZAR, Mr. LAUTENBERG, Mr. HARKIN, Mr. NELSON of Florida, Mr. INHOFE, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 421

Whereas under the Taliban Government of Afghanistan, individuals convicted of promoting faiths other than Islam, or expressing interpretations of Islam differing from the prevailing orthodoxy, could be imprisoned and those converting from Islam could be tortured and publicly executed;

Whereas the United States has more than 22,000 members of the Armed Forces stationed in Afghanistan and whereas 282 members of the Armed Forces have given their lives in Afghanistan since Operation Enduring Freedom began in that country;

Whereas Abdul Rahman, a citizen of Afghanistan, was arrested and accused of apostasy for converting to Christianity 16 years ago and threatened with execution;

Whereas the prosecutor in this case, Abdul Wasi, stated in court that Abdul Rahman ''is known as a microbe in society, and he should be cut off and removed from the rest of Muslim society and should be killed.'';

Whereas, while it was a welcome development that charges against Abdul Rahman were dropped, he was forced to seek asylum in Italy;

Whereas, despite his release, religious freedom and those who would practice it in Afghanistan remain in jeopardy;

Whereas religious freedom is a fundamental principle of democracy;

Whereas the Constitution of Afghanistan does not fully guarantee freedom of thought, conscience, religion, or belief;

Whereas, on several occasions throughout Afghanistan's constitution drafting process, the United States Commission on International Religious Freedom raised concerns that the constitution's ambiguity on issues of conversion and religious expression could lead to unjust criminal accusations against Muslims and non-Muslims alike;

Whereas charges of blasphemy since 2002 have justified those concerns;

Whereas the International Religious Freedom Report 2005 published by the Department of State does not list Afghanistan among those countries cited for ''State Hostility Toward Minority or Nonapproved Religions'', ''State Neglect of Societal Discrimination or Abuses Against Religious Groups'', or ''Discriminatory Legislation or Policies Prejudicial to Certain Religions'' and notes that ''[t]he new Constitution provides for freedom of religion, and the Government generally respected this right in practice'';

Whereas the International Religious Freedom Report 2005 states that conversion from Islam is ''in theory – punishable by death'' in Afghanistan;

Whereas the case of Abdul Rahman, other instances of religious persecution or discrimination against minorities, and ambiguities within the Constitution of Afghanistan appear to warrant closer scrutiny in the International Religious Freedom Report 2006; and

Whereas Afghanistan is a party to the International Covenant on Civil and Political Rights, which reads in part, ''Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.'': Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes freedom of religion as a central tenet of democracy;

(B) respects the right of the people of Afghanistan to self-government, while strongly urging the Government of Afghanistan to respect all universally recognized human rights;

(C) condemns the arrest of Abdul Rahman and other instances of religious persecution in Afghanistan;

(D) commends the dropping of charges against Abdul Rahman; and

(E) strongly urges the Government of Afghanistan to consider the importance of religious freedom for the broader relationship between the United States and Afghanistan; and

(2) it is the sense of the Senate that the President and the President's representatives should—

(A) in both public and private fora, raise concerns at the highest levels with the Government of Afghanistan regarding the violations of internationally recognized human rights, including the right to freedom of religion or belief, in Afghanistan; and

(B) ensure that the International Religious Freedom Report 2006 for Afghanistan fully addresses the issue of religious persecution in that country, including the arrest of Abdul Rahman.

SENATE RESOLUTION 422—DESIGNATING APRIL 21, 2006, AS ''NATIONAL AND GLOBAL YOUTH SERVICE DAY'', AND FOR OTHER PURPOSES

Ms. MURKOWSKI (for herself, Mr. AKAKA, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mrs. BOXER, Mr. BUNNING, Mr. BURR, Ms. CANTWELL, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. SANTORUM, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 422

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) encourage young citizens to embark on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year ;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 18th consecutive year in 2006;

Whereas young people in the United States and in many other countries are volunteering more than any other generation in history;

Whereas the children and youth of the United States not only represent the future of the Nation, but also are leaders and assets today;

Whereas the children and youth of the United States should be valued for the idealism, energy, creativity, and unique perspective that they use when addressing challenges found in their communities;

Whereas a fundamental and conclusive correlation exists between youth service, lifelong adult volunteering, and philanthropy;

Whereas through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decision-making, teamwork, needs-assessment, and leadership;

Whereas service-learning, an innovative teaching method that combines community service with curriculum-based learning, increases student achievement while strengthening civic responsibility;

Whereas several private foundations and corporations in the United States support service-learning because they understand that educated, civically-engaged communities tend to be economically prosperous and good places to do business;

Whereas sustained investments by the Federal Government, business partners, schools, and communities fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day, with the support of 51 lead agencies, hundreds of grant winners, and thousands of local partners, engages millions of young people worldwide;

Whereas National and Global Youth Service Day will involve 38 international organizations and 110 national partners, including 8 Federal agencies and 6 organizations that offer grants to support National and Global Youth Service Day;

Whereas National Youth Service Day has inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 7th year; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage the youth of the United States in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of United States youth and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 21, 2006, as ''National and Global Youth Service Day''; and

(3) calls on the citizens of the United States to—

(A) observe the day by encouraging and engaging youth to participate in civic and community service projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful decision-making opportunities today as an investment for the future of the United States.

SENATE RESOLUTION 423—DESIGNATING APRIL 8, 2006, AS ''NATIONAL CUSHING'S SYNDROME AWARENESS DAY''

Mr. INHOFE (for himself and Mr. COBURN) submitted the following resolution; which was considered and agreed to:

S. RES. 423

Whereas Cushing's Syndrome annually affects an estimated 10 to 15 people per million, most of whom are currently between the ages of 20 and 50;

Whereas Cushing's Syndrome is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol;

Whereas exposure to cortisol can occur by overproduction in the body or by taking glucocrticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, lupus, or as an immunosuppressant following transplantation;

Whereas the syndrome may also result from pituitary adenomas, ectopic ACTH syndrome, adrenal tumors, and Familial Cushing's Syndrome;

Whereas Cushing's Syndrome can cause abnormal weight gain, skin changes, and fatigue and ultimately lead to diabetes, high blood pressure, depression, osteoporosis, and death;

Whereas Cushing's Syndrome is diagnosed through a series of tests, often requiring x-ray examinations of adrenal or pituitary glands to locate tumors;

Whereas many people who suffer from Cushing's Syndrome are misdiagnosed or go undiagnosed for years because many of the symptoms are mirrored in milder diseases, thereby delaying important treatment options;

Whereas treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, cortisol-inhibiting drugs, and reducing the dosage of glucocorticoid hormones;

Whereas Cushing's Syndrome was discovered by Dr. Harvey Williams Cushing, who was born on April 8th, 1869;

Whereas the Dr. Harvey Cushing stamp was part of the United States Postal Service's ''Great American'' series, initiated in 1980 to recognize individuals for making significant contributions to the heritage and culture of the United States;

Whereas President Ronald Reagan spoke on April 8, 1987, in the Rose Garden at a White House ceremony to unveil the commemorative stamp honoring Dr. Harvey Cushing;

Whereas following the ceremony, President Reagan hosted a reception in the State Dining Room for Mrs. John Hay Whitney, Dr. Cushing's daughter, and representatives of the American Association of Neurological Surgeons; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Cushing's Syndrome; Now, therefore, be it

Resolved, That the Senate—

(1) designates April 8, 2006, as ''National Cushing's Syndrome Awareness Day'';

(2) recognizes that all Americans should become more informed and aware of Cushing's Syndrome;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Cushing's Understanding, Support & Help Organization.

SENATE CONCURRENT RESOLUTION 85—HONORING AND CONGRATULATING THE MINNESOTA NATIONAL GUARD, ON ITS 150TH ANNIVERSARY, FOR ITS SPIRIT OF DEDICATION AND SERVICE TO THE STATE OF MINNESOTA AND THE NATION AND RECOGNIZING THAT THE ROLE OF THE NATIONAL GUARD, THE NATION'S CITIZEN-SOLDIER BASED MILITIA, WHICH WAS FORMED BEFORE THE UNITED STATES ARMY, HAS BEEN AND STILL IS EXTREMELY IMPORTANT TO THE SECURITY AND FREEDOM OF THE NATION

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 85

Whereas the Minnesota National Guard traces its origins to the formation of the Pioneer Guard in the Minnesota territory in 1856, 2 years before Minnesota became the 32nd State in the Union;

Whereas the First Minnesota Infantry regiment was among the first militia regiments in the Nation to respond to President Lincoln's call for troops in April 1861 when it volunteered for 3 years of service during the Civil War;

Whereas during the Civil War the First Minnesota Infantry regiment saw battle at Bull Run, Antietam, and Gettysburg;

Whereas during a critical moment in the Battle of Gettysburg on July 3, 1863, 262 soldiers of the First Minnesota Infantry, along with other Union forces, bravely charged and stopped Confederate troops attacking the center of the Union position on Cemetery Ridge;

Whereas only 47 men answered the roll after this valiant charge, earning the First Minnesota Infantry the highest casualty rate of any unit in the Civil War;

Whereas the Minnesota National Guard was the first to volunteer for service in the Philippines and Cuba during the Spanish-American War of 1898, with enough men to form 3 regiments;

Whereas 1 of the 3 Minnesota regiments to report for duty in the War with Spain, the 13th Volunteer regiment, under the command of Major General Arthur MacArthur, saw among the heaviest fighting of the war in the battle of Manila and suffered more casualties than all other regiments combined during that key confrontation to free the Philippines;

Whereas after the cross-border raids of Pancho Villa and the attempted instigation of a war between the United States and Mexico, the border was secured in part by the Minnesota National Guard;

Whereas the Minnesota National Guard was mobilized for duty in World War I, where many Minnesotans saw duty in France, including the 151st Field Artillery, which saw duty as part of the famed 42nd ''Rainbow'' Division;

Whereas the first Air National Guard unit in the Nation was the 109th Observation Squadron of the Minnesota National Guard, which passed its muster inspection on January 17, 1921;

Whereas a tank company of the Minnesota National Guard from Brainerd, Minnesota, was shipped to the Philippines in 1941 to shore up American defenses against Japan as World War II neared;

Whereas these men from Brainerd fought hard and bravely as American forces were pushed into the Bataan Peninsula and ultimately endured the Bataan Death March;

Whereas men of the Minnesota National Guard's 175th Field Artillery, as part of the 34th ''Red Bull'' Division, became the first American Division to be deployed to Europe in January of 1942;

Whereas when the 34th Division was shipped to North Africa, it fired the first American shells against the Nazi forces;

Whereas the 34th Division participated in 6 major Army campaigns in North Africa, Sicily, and Italy, which led to the division being credited with taking the most enemy-defended hills of any division in the European Theater as well as having more combat days than any other division in Europe;

Whereas the Minnesota National Guard served with distinction on the ground and in the air during Operations Desert Shield and Desert Storm;

Whereas Minnesota National Guard troops have helped keep the peace in the former Yugoslavia, including 1,100 troops who have seen service in Bosnia, Croatia, and Kosovo;

Whereas the Minnesota National Guard has participated in keeping America safe after September 11, 2001, in numerous ways, including airport security;

Whereas the Duluth-based 148th Fighter Wing's F–16s flew patrols over cities after September 11, 2001, for a longer time than any other air defense unit;

Whereas over 11,000 members of the Minnesota National Guard have been called up for full-time service since the September 11, 2001, terrorist attacks;

Whereas as of March 20, 2006, Minnesota National Guard troops are serving in national defense missions in Afghanistan, Pakistan, Kuwait, Qatar, Oman, and Iraq;

Whereas more than 600 Minnesota National Guard troops have been deployed to Afghanistan in Operation Enduring Freedom;

Whereas members of the Minnesota National Guard, serving in the 1st Brigade Combat Team of the 34th Infantry Division, have been a part of the State's largest troop deployment since World War II, with more than 2,600 citizen soldiers called to service in support of Operation Iraqi Freedom;

Whereas the Minnesota National Guard has greatly contributed not only to battles but to the suppressing of violent riots, such as the 1947 national meat processors strike, in which they aided helpless police officers, and the fight against natural disasters such as the Red River flood in 1997 in which they organized search and rescue missions, helped shelter people who were left homeless, ran logistics, and helped sandbagging efforts; and

Whereas on April 17, 2006, the Minnesota National Guard will celebrate its 150th anniversary along with its historical and recent accomplishments: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) honors and congratulates the Minnesota National Guard for its spirit of dedication and service to the State of Minnesota and to the Nation on its 150th anniversary; and

(2) recognizes that the role of the National Guard, the Nation's citizen-soldier based militia, which was formed before the United States Army, has been and still is extremely important to the security and freedom of the Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3256. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3257. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3258. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3259. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3260. Mr. DOMENICI (for himself, Mr. KYL, Mr. BINGAMAN, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3261. Mr. DOMENICI (for himself, Mr. DORGAN, Mr. BURNS, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3262. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3263. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3264. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3265. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3266. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3267. Mr. NELSON, of Nebraska (for himself, Mr. SESSIONS, Mr. BYRD, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3268. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3269. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3270. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3271. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3272. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3273. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3274. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3275. Mr. GRASSLEY submitted an amendment intended to be proposed by him

to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3276. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3277. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3278. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3279. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3280. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3281. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3282. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3283. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3284. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3285. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3286. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3287. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3288. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3289. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3290. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3291. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3292. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3293. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3294. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3295. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3296. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3297. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3298. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3299. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3300. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3301. Ms. CANTWELL (for herself, Mr. CRAPO, Mr. JEFFORDS, Mr. CRAIG, Mrs. MURRAY, Mr. BAUCUS, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3302. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3303. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3304. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3305. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3306. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3307. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3308. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3309. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3310. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3311. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3256. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—RAPID RESPONSE

Subtitle A—Rapid Response Measures

SEC. __01. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. __02. ELIMINATION OF FIXED DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

The Secretary of Homeland Security shall ensure that no United States Border Patrol agent is precluded from performing patrol duties and apprehending violators of law, except in unusual circumstances where the temporary use of fixed deployment positions is necessary.

SEC. __03. HELICOPTERS AND POWER BOATS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than 100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) USE AND TRAINING.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. __04. CONTROL OF UNITED STATES UNITED STATES BORDER PATROL ASSETS.

The United States Border Patrol shall have complete and exclusive administrative and operational control over all the assets utilized in carrying out its mission, including, aircraft, watercraft, vehicles, detention space, transportation, and all of the personnel associated with such assets.

SEC. __05. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a ''panic button'' and a global positioning system device that is activated solely in emergency situations for the purpose of tracking

the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. __06. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. __07. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all law enforcement personnel working in every area where United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times. Each portable communications device shall be equipped with a ''panic button'' and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of the agent in distress.

SEC. __08. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued a state-of-the-art handheld global positioning system device for navigational purposes.

SEC. __09. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and maintained to enable each United States Border Patrol agent working during the hours of darkness to be equipped with a portable night vision device.

SEC. __10. BORDER ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. Officers shall be strongly encouraged, but not mandated, to wear such body armor whenever practicable. All body armor shall be replaced at least every 5 years.

SEC. __11. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the Department's policies allow all such officers to carry weapons that are suited to the potential threats that they face.

SEC. __12. UNIFORMS.

The Secretary of Homeland Security shall ensure that all United States Border Patrol agents are provided with all necessary uniform items, including outerwear suited to the climate, footwear, belts, holsters, and personal protective equipment, at no cost to such agents. Such items shall be replaced at no cost to such agents as they become worn, unserviceable, or no longer fit properly.

Subtitle B—Recruitment and Retention of Additional Immigration Law Enforcement Personnel

SEC. __21. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

''(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

''(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

''(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.''.

SEC. __22. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. __23. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) AMENDMENTS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 8401(17) of title 5, United States Code, is amended—

(A) in subparagraph (C)—

(i) by striking ''and'' at the end; and

(ii) by striking ''subparagraph (A) and (B)'' and inserting ''subparagraph (A), (B), (E), or (F)''; and

(B) by inserting after subparagraph (D) the following:

''(E) an employee (not otherwise covered by this paragraph)—

''(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

''(ii) who is authorized to carry a firearm; and

''(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;''.

(2) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331(20) of title 5, United States Code, is amended in the matter preceding subparagraph (A) by inserting after ''position.'' the following: ''For the purpose of this paragraph, an employee described in the preceding sentence shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).''.

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (as defined in the amendments) on or after that date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) DEFINITIONS.—In this subsection:

(A) INCUMBENT.—The term ''incumbent'' means an individual who—

(i) is first appointed as a law enforcement officer before the date of enactment of this Act; and

(ii) is serving as a law enforcement officer on that date.

(B) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code, as a result of the amendments made by subsection (a).

(C) PRIOR SERVICE.—The term ''prior service'', with respect to an incumbent who retires from Government service, means any service performed before the date on which a written notice is to be submitted under paragraph (2)(B).

(D) SERVICE.—The term ''service'' means service performed as a law enforcement officer.

(2) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—For purposes other than purposes described in subparagraph (B), service that is performed by an incumbent on or after the date of enactment of this Act shall be treated as service performed as a law enforcement officer, irrespective of the manner in which the service is treated under subparagraph (B).

(B) RETIREMENT.—For purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, service that is performed by an incumbent before, on, or after the date of enactment of this Act shall be treated as service performed as a law enforcement officer if an appropriate written notice of the election of the incumbent to retire from Government service is submitted to the Office of Personnel Management by the earlier of—

(i) the date that is 5 years after the date of enactment of this Act; or

(ii) the date of retirement of the incumbent.

(3) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) AMOUNT OF CONTRIBUTIONS.—An incumbent who makes an election described in paragraph (2)(B) may, with respect to prior service performed by the incumbent, contribute to the Civil Service Retirement and Disability Fund an amount equal to the difference between—

(i) the individual contributions that were actually made for that service; and

(ii) the individual contributions that would have been made for that service under the amendments made by subsection (a).

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid—

(i) all prior service of the incumbent shall remain fully creditable as law enforcement officer service; but

(ii) the resulting annuity shall be reduced in a manner similar to the manner described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(4) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (2)(B), the agency in or under which the incumbent was serving at the time of any prior service shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to that service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date on which a written notice is to be submitted under paragraph (2)(B).

(5) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of

title 5, United States Code, shall cause the involuntary separation of a law enforcement officer before the end of the 3-year period beginning on the date of enactment of this Act.

(6) REGULATIONS.—The Office shall promulgate regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (3) or (4) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—

(I) is first appointed as a law enforcement officer before the date of enactment of this Act; and

(II) serves as a law enforcement officer after the date of enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual described in clause (i), who dies before making an election under paragraph (2)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(7) RULE OF CONSTRUCTION.—Nothing in this subsection applies in the case of a reemployed annuitant.

SA 3257. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 122, between lines 7 and 8, insert the following:

''(b) CERTAIN ACTIONS NOT TREATED AS VIOLATIONS.—A person who, before being apprehended or placed in a removal proceeding, applies for asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8, Code of Federal Regulations, or classification or status under section 101(a)(15(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, shall not be prosecuted for violating section 1542, 1544, 1546 or 1548, before the application is adjudicated in accordance with the Immigration and Nationality Act. A person who is granted asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8, Code of Federal Regulations, or classification or status under section 101(a)(15(T), 101(a)(15)(U), 101(a)(27(J), 101(a)(51), 216(c)(4)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, shall not be considered to have violated section 1542, 1544, 1546 or 1548.

SA 3258. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 231.

SA 3259. Mr. DOMENICI (for himself, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, such additional district court judges as are necessary to carry out the 2005 recommendations of the Judicial Conference for district courts in which the criminal immigration filings totaled more than 50 per cent of all criminal filings for the 12-month period ending September 30, 2004.

SA 3260. Mr. DOMENICI (for himself, Mr. KYL, Mr. BINGAMAN, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 10 and 11, insert the following:

''(5) DEPUTY UNITED STATES MARSHALS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.''.

On page 7, between lines 3 and 4, insert the following:

''(4) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out paragraph (5) of subsection (a).''.

SA 3261. Mr. DOMENICI (for himself, Mr. DORGAN, Mr. BURNS, Mr. BINGAMAN, Mr. KYL, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 54, after line 23, add the following:

Subtitle E—Border Infrastructure and Technology Modernization

SEC. 151. SHORT TITLE.

This subtitle may be cited as the ''Border Infrastructure and Technology Modernization Act''.

SEC. 152. DEFINITIONS.

In this subtitle:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

SEC. 153. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of each year, the Administrator of General Services shall update the Port of Entry Infrastructure Assessment Study prepared by the Bureau of Customs and Border Protection in accordance with the matter relating to the ports of entry infrastructure assessment that is set out in the joint explanatory statement in the conference report accompanying H.R. 2490 of the 106th Congress, 1st session (House of Representatives Rep. No. 106–319, on page 67) and submit such updated study to Congress.

(b) CONSULTATION.—In preparing the updated studies required in subsection (a), the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and the Commissioner.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 154; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project to—

(A) fulfill immediate security requirements; and

(B) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner shall implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, such as immediate security needs or changes in infrastructure in Mexico or Canada, compellingly alter the need for a project in the United States.

SEC. 154. NATIONAL LAND BORDER SECURITY PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, an annually thereafter, the Secretary, after consultation with representatives of Federal, State, and local law enforcement agencies and private entities that are involved in international trade across the northern border or the southern border, shall submit a National Land Border Security Plan to Congress.

(b) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required in subsection (a) shall include a vulnerability assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required in subsection (a).

SEC. 155. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the

Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel, of the Customs–Trade Partnership Against Terrorism programs along the northern border and southern border, including—

(A) the Business Anti-Smuggling Coalition;

(B) the Carrier Initiative Program;

(C) the Americas Counter Smuggling Initiative;

(D) the Container Security Initiative;

(E) the Free and Secure Trade Initiative; and

(F) other Industry Partnership Programs administered by the Commissioner.

(2) SOUTHERN BORDER DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall implement, on a demonstration basis, at least 1 Customs–Trade Partnership Against Terrorism program, which has been successfully implemented along the northern border, along the southern border.

(b) MAQUILADORA DEMONSTRATION PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Commissioner shall establish a demonstration program to develop a cooperative trade security system to improve supply chain security.

SEC. 156. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall carry out a technology demonstration program to—

(1) test and evaluate new port of entry technologies;

(2) refine port of entry technologies and operational concepts; and

(3) train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTING.—Under the technology demonstration program, the Secretary shall test technologies that enhance port of entry operations, including operations related to—

(A) inspections;

(B) communications;

(C) port tracking;

(D) identification of persons and cargo;

(E) sensory devices;

(F) personal detection;

(G) decision support; and

(H) the detection and identification of weapons of mass destruction.

(2) DEVELOPMENT OF FACILITIES.—At a demonstration site selected pursuant to subsection (c)(2), the Secretary shall develop facilities to provide appropriate training to law enforcement personnel who have responsibility for border security, including—

(A) cross-training among agencies;

(B) advanced law enforcement training; and

(C) equipment orientation.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Secretary shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) SELECTION CRITERIA.—To ensure that at least 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, at least 1 port of entry selected as a demonstration site shall—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion to not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 1-year period ending on the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary shall permit personnel from an appropriate Federal or State agency to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including technologies described in subparagraphs (A) through (H) of subsection (b)(1).

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report submitted under paragraph (1) shall include an assessment by the Secretary of the feasibility of incorporating any demonstrated technology for use throughout the Bureau of Customs and Border Protection.

SEC. 157. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated—

(1) such sums as may be necessary for the fiscal years 2007 through 2011 to carry out the provisions of section 153(a);

(2) to carry out section 153(d)—

(A) $100,000,000 for each of the fiscal years 2007 through 2011; and

(B) such sums as may be necessary in any succeeding fiscal year;

(3) to carry out section 155(a)—

(A) $30,000,000 for fiscal year 2007, of which $5,000,000 shall be made available to fund the demonstration project established in section 156(a)(2); and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(4) to carry out section 155(b)—

(A) $5,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for the fiscal years 2008 through 2011; and

(5) to carry out section 156, provided that not more than $10,000,000 may be expended for technology demonstration program activities at any 1 port of entry demonstration site in any fiscal year—

(A) $50,000,000 for fiscal year 2007; and

(B) such sums as may be necessary for each of the fiscal years 2008 through 2011.

(b) INTERNATIONAL AGREEMENTS.—Amounts authorized to be appropriated under this subtitle may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this subtitle.

SA 3262. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SPECIAL RULE FOR MEXICO.

(a) IN GENERAL.—No alien who is a citizen or national of Mexico shall be eligible for any immigration benefit under this Act, or under any amendment made by this Act, until the date on which the Government of Mexico enters into a bilateral agreement with the Government of the United States in accordance with subsection (b).

(b) REQUIREMENTS FOR BILATERAL AGREEMENT.—The bilateral agreement referred to in subsection (a) shall require the Government of Mexico—

(1) to accept the return of a citizen or national of Mexico who is ordered removed from the United States not later than 5 days after such order is issued;

(2) to cooperate with the Government of the United States—

(A) to identify, track, and reduce—

(i) gang membership and violence in the United States and Mexico;

(ii) human trafficking and smuggling between the United States and Mexico; and

(iii) drug trafficking and smuggling between the United States and Mexico; and

(B) to control illegal immigration from Mexico into the United States;

(3) to provide the Government of the United States with—

(A) the passport information and criminal record of any citizen or national of Mexico who is seeking admission to the United States or is present in the United States; and

(B) admission and entry data maintained by the Government of Mexico to facilitate the entry-exit data systems maintained by the United States; and

(4) to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under this Act, or any amendment made by this Act, to ensure that such citizens and nationals are not exploited while working in the United States.

(c) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the bilateral agreement described in this section and the activities of the Government of Mexico to carry out such agreement.

SA 3263. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle A of title VI, insert the following new subtitle:

Subtitle A—Guest Worker Status for Unauthorized Aliens

SEC. 601. NEW GUEST WORKER CATEGORY.

(a) IN GENERAL.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end the following:

''(W) an alien who—

''(i) maintained a residence in the United States on December 31, 2005;

''(ii) was not legally present in the United States on December 31, 2005;

''(iii) is performing labor or services in the United States; and

''(iv) meets the requirements of section 218D.''.

(b) TECHNICAL AMENDMENTS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) in subparagraph (U)(iii), by striking ''or'' at the end; and

(2) in subparagraph (V)(ii)(II), by striking the period at the end and inserting a semicolon and ''or''.

SEC. 602. CHANGE OF STATUS FOR UNAUTHORIZED ALIENS.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218 the following new section:

"SEC. 218D. CHANGE OF STATUS FOR UNAUTHORIZED ALIENS.

''(a) IN GENERAL.—The Secretary of Homeland Security shall grant nonimmigrant status under section 101(a)(15)(W) to an alien who is in the United States illegally if such alien meets the requirements of this section.

''(b) GENERAL REQUIREMENTS.—An alien may be eligible for a change of status under this section if the alien meets the following requirements:

''(1) PRESENCE.—

''(A) IN GENERAL.—An alien must establish that the alien was physically present in the United States on December 31, 2005 was not legally present in the United States on that date, and has remained in the United States since that date.

''(B) EVIDENCE.—An alien may provide evidence to meet the requirement for presence under subparagraph (a), including—

''(i) a record maintained by the Federal government or a State or local government;

''(ii) a record maintained by an employer;

''(iii) a housing lease or contract;

''(iv) medical documentation; and

''(v) sworn and certified affidavits.

''(2) EMPLOYMENT.—

''(A) IN GENERAL.—An alien shall establish that the alien was employed in the United States on December 31, 2005, and has not been unemployed in the United States for 30 or more consecutive days since that date.

''(B) EVIDENCE.—An alien may provide evidence to meet the requirement for employment under subparagraph (a), including—

''(i) a record maintained by the Federal government or a State or local government;

''(ii) a record maintained by an employer; and

''(iii) sworn and certified affidavits.

''(3) MEDICAL EXAMINATION.—An alien shall, at the alien's expense, undergo a medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

''(c) APPLICATION CONTENT AND WAIVER.—

''(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining a change of status under this section.

''(2) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for a change of status under this section, the Secretary shall require that the alien—

''(A) provide answers to questions concerning the alien's criminal history and gang membership, immigration history, and involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the Government of the United States;

''(B) provide any Social Security account number or card in the possession of the alien or relied upon by the alien; and

''(C) provide any false or fraudulent documents in the alien's possession.

''(3) WAIVER OF RIGHTS.—

''(A) AUTHORITY TO REQUEST.—The Secretary shall request that an alien include with the application a waiver of rights that states that the alien, in exchange for the benefit of obtaining a change of status under this section, agrees to waive any right—

''(i) to administrative or judicial review or appeal of an immigration officer's determination as to the alien's admissibility; or

''(ii) to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, if such removal action is initiated after the termination of the alien's period of authorized admission as a nonimmigrant under this section.

''(B) REFUSAL TO WAIVE.—The Secretary may refuse to grant nonimmigrant status to an alien under this section because an alien does not submit the waiver described in subparagraph (A).

''(C) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions, statements, and terms of the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

''(4) APPLICATION FEE AND FINES.—

''(A) REQUIREMENT TO PAY.—An alien applying for a change of status under this section shall pay—

''(i) a $250 visa issuance fee in addition to the cost of processing and adjudicating such application; and

''(ii) a fine of $1000.

''(B) CONSTRUCTION.—Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

''(d) ADMISSIBILITY.—

''(1) IN GENERAL.—In determining an alien's eligibility for a change of status under this section—

''(A) the alien shall establish that the alien—

''(i) except as provided in subparagraph (B), is admissible to the United States; and

''(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(B) paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply to the admissibility of such alien;

''(C) the Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

''(2) WAIVER FEE.—An alien who is granted a waiver under subparagraph (C) shall pay a $100 fee upon approval of the alien's visa application.

''(e) INELIGIBLE.—An alien is ineligible for the change of status provided by this section if the alien—

''(1) is subject to a final order of removal under section 240;

''(2) failed to depart the United States during the period of a voluntary departure order under section 240B;

''(3) has been issued a Notice to Appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are that the alien is removable under section 237(a)(1)(C) or is inadmissible under section 212(a)(6)(A);

''(4) fails to comply with any request for information made by the Secretary of Homeland Security; or

''(5) commits an act that makes the alien removable from the United States.

''(f) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process for an adjustment of status under this section is secure and incorporates antifraud protection.

''(2) APPLICATION.—An alien must submit an initial application for a change of status under this section not later than 3 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006. An alien that fails to comply with this requirement is ineligible for a change of status under this section.

''(3) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for a change of status under this section are processed not later than 3 years after the date of the application.

''(4) LOCATION.—An alien applying for a change of status under this section need not depart the United States in order to apply for such a change of status.

''(g) FAILURE TO ACT.—An alien unlawfully in the United States who fails to apply for a change of status pursuant to this section or fails to depart from the United States prior to the date that is 6 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006 is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

''(h) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

''(1) BIOMETRIC DATA.—An alien may not be granted a change of status under this section unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security.

''(2) BACKGROUND CHECKS.—The Secretary of Homeland Security may not grant a change of status under this section until all appropriate background checks, including any that the Secretary, in the Secretary's discretion may require, are completed to the satisfaction of the Secretary of Homeland Security.

''(i) DURATION, EXTENSION, AND REENTRY.—

''(1) DURATION AND EXTENSION.—The period of authorized admission for an alien granted a change of status under this section shall be 3 years, and may be extended for 2 additional 3-year periods if the alien remains employed with an employer who complies with the requirements of the Comprehensive Immigration Reform Act of 2006 and the amendments made by that Act.

''(2) APPLICATION FOR EXTENSION.—

''(A) IN GENERAL.—An alien granted a change of status for a 3-year period under this section who is seeking an extension of such status shall submit an application for such extension no more than 90 days and no less than 45 days before the end of such 3-year period. The application shall provide evidence of employment with an employer that complies with the requirements of the Comprehensive Immigration Reform Act of 2006 and the amendments made by that Act.

''(B) FEE.—An alien who submits an application for an extension described in subparagraph (A), shall pay a $100 fee with such application.

''(3) REENTRY.—Unless an alien is granted a change of status or adjustment of status pursuant to subsection (n), an alien granted a change of status pursuant to subsection (a) shall, upon the expiration of the time period for authorized admission under this section, leave the United States and be ineligible to reenter the United States, or receive any other immigration relief or benefit under this Act or any other law, with the exception of section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, until the alien has resided continuously in the alien's home country for a period of not less than 3 years.

''(j) STANDARDS FOR DOCUMENTATION.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the document issued to provide evidence of status under this section shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document.

''(2) CONSULTATION.—The Secretary of Homeland Security shall consult with the head of the Forensic Document Laboratory and such other Federal agencies as may be appropriate in designing the document.

''(3) USE OF DOCUMENT.—The document may serve as a travel, entry, and work authorization document during the period of its validity.

''(k) FAILURE TO DEPART.—

''(1) INADMISSABILITY FOR FAILURE TO DEPART.—Subject to paragraph (2), an alien who fails to depart the United States prior to the date that is 10 days after the date that the alien's authorized period of admission under this section ends is not eligible for and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years.

''(2) EXCEPTION.—The prohibition in paragraph (1) may not be applied to prohibit the admission of an alien under section 208 or 241(b)(3) of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York, December 10, 1984.

''(l) TRAVEL OUTSIDE THE UNITED STATES.—

''(1) IN GENERAL.—An alien granted a change of status under this section and the spouse or child of such alien admitted pursuant to subsection (o)—

''(A) may travel outside of the United States; and

''(B) may be readmitted without having to obtain a new visa if the period of authorized admission under this section has not expired.

''(2) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) may not extend the period of authorized admission in the United States permitted for an alien under this section or for the spouse or child of such alien admitted under subsection (o).

''(m) EMPLOYMENT.—

''(1) IN GENERAL.—An alien granted a change of status under this section may be employed by any employer that complies with the requirements of the Comprehensive Immigration Reform Act of 2006 and the amendments made by that Act.

''(2) CONTINUOUS EMPLOYMENT.—

''(A) REQUIREMENT FOR EMPLOYMENT.—An alien granted a change of status under this section who fails to be employed for 30 consecutive days is ineligible for reentry or employment in the United States unless the alien departs the United States and is admitted for reentry under a provision of this Act or any other provision of law.

''(B) WAIVER.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) for an alien and authorize the alien for employment without requiring the alien to depart the United States.

''(n) LIMITATION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—

''(1) IN GENERAL.—An alien described in paragraph (2) may apply for any visa, adjustment of status, or other immigration benefit, other than for an adjustment of status for lawful permanent resident, that the alien qualifies for after the alien has resided lawfully in the United States pursuant to a change of status granted as described in subsection (a) for a period of not less than 5 years, and such alien may not be required to return to the alien's home country in order to obtain such a visa, adjustment of status, or other immigration benefit.

''(2) REQUIREMENTS TO APPLY.—An alien described in this paragraph is an alien who—

''(A) has been granted a change of status under subsection (a); and

''(B) during the 5-year period ending on the date of the enactment of the Comprehensive Immigration Reform Act of 2006—

''(i) was physically present in the United States; and

''(ii) was unemployed for no more than 30 consecutive days.

''(o) FAMILY MEMBERS.—

''(1) IN GENERAL.—The spouse or child of an alien admitted as a nonimmigrant under this section may be admitted to the United States—

''(A) as a nonimmigrant for the same amount of time, and on the same terms and conditions, as the alien granted a change of status under this section; or

''(B) under any other provision of law, if such family member is otherwise eligible for admission.

''(2) APPLICATION FEE.—The spouse or child of an alien admitted under this section who is seeking to be admitted pursuant to this subsection shall submit, in addition to any other fee authorized by law, an additional fee of $100.

''(p) NUMERICAL LIMIT.—There shall be no numerical limitation on the number of visas or number of aliens granted any change of status or adjustment of status under this section, including a visa issued or a change of status or adjustment of status granted pursuant to subsection (n).

''(q) PENALTIES FOR FALSE STATEMENTS.—

''(1) CRIMINAL PENALTY.—

''(A) VIOLATION.—It shall be unlawful for any person—

''(i) to file or assist in filing an application for a change of status under this section and knowingly or willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(ii) to create or supply a false writing or document for use in making such an application.

''(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(r) TREATMENT OF APPLICANTS.—

''(1) IN GENERAL.—An alien who files an application for nonimmigrant status under subsection (a)—

''(A) shall be granted employment authorization pending final adjudication of the alien's application;

''(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application;

''(C) may not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

''(D) may not be considered an unauthorized alien until such time as the alien's application is denied.

''(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien who files an application for nonimmigrant status under subsection (a) under this section with a counterfeit-resistant document of authorization that—

''(A) meets all current requirements established by the Secretary of Homeland Security for travel documents; and

''(B) reflects the benefits and status set forth in paragraph (1).

''(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The head of each relevant Federal agency shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

''(s) DISSEMINATION OF INFORMATION ON ADJUSTMENT.—During the 12 months following the issuance of final regulations relating to this section, the Secretary of Homeland Security, in cooperation with entities approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall disseminate such information to employers and labor unions to advise such employers and labor unions of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

''(t) EMPLOYER PROTECTIONS.—

''(1) IMMIGRATION STATUS OF ALIEN.—An employer of an alien who applies for an adjustment of status under this section shall not be subject to civil or criminal tax liability relating directly to the employment of such alien prior to such alien's adjustment of status under this section.

''(2) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws shall not be subject to civil or criminal liability pursuant to section 274A for employing such unauthorized aliens prior to such aliens' adjustment of status under this section.

''(3) APPLICATION OF OTHER LAW.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.''.

(b) INITIAL RECEIPT OF APPLICATIONS.—The Secretary shall begin accepting applications for a change of status under section 218D of the Immigration and Nationality Act, as added by subsection (a), not later than 6 months after the date of the enactment of this Act.

(c) TECHNICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by section 615(b), is further amended by inserting after the item relating to section 218H, the following:

''Sec. 218D. Change of status for unauthorized aliens.''.

SEC. 603. STATUTORY CONSTRUCTION.

Nothing in this subtitle, or any amendment made by this subtitle, may be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out the amendments made by this subtitle.

SA 3264. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title VI.

On page 225, beginning on line 17, strike all through page 277, line 21, and insert the following:

(d) OTHER STUDIES AND REPORTS.—

(1) STUDY BY LABOR.—The Secretary of Labor shall conduct a study on a sector-by-sector basis on the need for guest workers and the impact that any proposed temporary worker or guest worker program would have on wages and employment opportunities of American workers.

(2) STUDY BY GAO.—The Comptroller General of the United States shall conduct a study regarding establishing minimum criteria for effectively implementing any proposed temporary worker program and determining whether the Department has the capability to effectively enforce the program. If the Comptroller General determines that the Department does not have the capability to effectively enforce any proposed temporary worker program, the Comptroller General shall determine what additional manpower and resources would be required to ensure effective implementation.

(3) STUDY BY THE DEPARTMENT.—The Secretary shall conduct a study to determine if the border security and interior enforcement measures contained in this Act are being properly implemented and whether they are effective in securing United States borders and curbing illegal immigration.

(4) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall, in cooperation with the Secretary of Labor and the Comptroller General of the United States, submit a report to Congress regarding the studies conducted pursuant to paragraphs (1), (2), and (3).

SA 3265. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 327, strike lines 2 through 6 and insert the following:

''(ii) business records; or

''(iii) remittance records.

SA 3266. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of law, the Secretary shall permit an employee of Customs and Border Protection or Immigration and Customs Enforcement who carries out the functions of Customs and Border Protection or Immigration and Customs Enforcement in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area prior to the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

SA 3267. Mr. NELSON of Nebraska (for himself, Mr. SESSIONS, Mr. BYRD, and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Border Security and Interior Enforcement Improvement Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

Subtitle B—Detention, Removal, and Departure

SEC. 2. SEVERABILITY.

If any provision of this Act, any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such holding.

TITLE I—SOUTHWEST BORDER SECURITY

SEC. 101. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.

(a) IN GENERAL.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) is amended to read as follows—

''(1) BORDER SECURITY IMPROVEMENTS.—

''(A) BORDER ZONE CREATION.—

''(i) IN GENERAL.—In carrying out subsection (a), the Secretary of Homeland Security shall create and control a border zone, along the international land border between the United States and Mexico, subject to the following conditions:

''(I) SIZE.—The border zone shall consist of the United States land area within 100 yards of such international land border, except that with respect to areas of the border zone that are contained within an organized subdivision of a State or local government, the Secretary may adjust the area included in the border zone to accommodate existing public and private structures.

''(II) FEDERAL LAND.—Not later than 30 days after the date of the enactment of the Border Security and Interior Enforcement Improvement Act of 2006, the head of each Federal agency having jurisdiction over Federal land included in the border zone shall transfer such land, without reimbursement, to the administrative jurisdiction of the Secretary of Homeland Security.

''(III) CONSULTATION.—Before installing any fencing or other physical barriers, roads, lighting, or sensors under subparagraph (B) on land transferred by the Secretary of Defense under subclause (II), the Secretary of Homeland Security shall consult with the Secretary of Defense for purposes of mitigating or limiting the impact of the fencing, barriers, roads, lighting, and sensors on military training and operations.

''(ii) OTHER USES.—The Secretary may authorize the use of land included in the border zone for other purposes so long as such use does not impede the operation or effectiveness of the security features installed under subparagraph (B) or the ability of the Secretary to carry out subsection (a).

''(B) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for—

''(i) the construction along the southern international land border between the United States and Mexico, starting at the Pacific Ocean and extending eastward to the Gulf of Mexico, of at least 2 layers of reinforced fencing; and

''(ii) the installation of such additional physical barriers, roads, lighting, ditches, and sensors along such border as may be necessary to eliminate illegal crossings and facilitate legal crossings along such border.

''(C) PRIORITY AREAS.—With respect to the border described in subparagraph (B), the Secretary shall ensure that initial fence construction occurs in high traffic and smuggling areas along such border.''.

(b) CONFORMING AMENDMENTS.—Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103 note) as amended by subsection (a) is further amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security'';

(2) in subsection (b), by striking the heading and inserting ''BORDER ZONE CREATION AND REINFORCED FENDING—''; and

(3) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 102. BORDER PATROL AGENTS.

Section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734) is amended—

(1) by striking ''2010'' both places it appears and inserting ''2011''; and

(2) by striking ''2,000'' and inserting ''3,000''.

SEC. 103. INCREASED AVAILABILITY OF DEPARTMENT OF DEFENSE EQUIPMENT TO ASSIST WITH SURVEILLANCE OF SOUTHERN INTERNATIONAL LAND BORDER OF THE UNITED STATES.

(a) INCREASED AVAILABILITY OF EQUIPMENT.—The Secretary of Defense and the Secretary of Homeland Security shall develop and implement a plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with Department of Homeland Security surveillance activities conducted at or near the southern international land border of the United States.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall submit a report to Congress that contains—

(1) a description of the current use of Department of Defense equipment to assist with Department of Homeland Security surveillance of the southern international land border of the United States;

(2) the plan developed under subsection (a) to increase the use of Department of Defense equipment to assist with such surveillance activities; and

(3) a description of the types of equipment and other support to be provided by Department of Defense under such plan during the 1-year period beginning after submission of the report.

SEC. 104. PORTS OF ENTRY.

To facilitate legal trade, commerce, tourism, and legal immigration, the Secretary of Homeland Security is authorized to—

(1) construct additional ports of entry along the international land border of the United States, at locations to be determined by the Secretary; and

(2) make necessary improvements to the ports of entry in existence on the date of the enactment of this Act.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $5,000,000,000 to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1103), as amended by section 101. Such sums shall be available until expended.

(b) BORDER PATROL AGENTS.—There are authorized to be appropriated $3,000,000,000 to carry out section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3734), as amended by section 102.

(c) PORTS OF ENTRY.—There are authorized to be appropriated $125,000,000 to carry out section 104.

(d) CONFORMING AMENDMENT.—Section 102(b)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is repealed.

TITLE II—FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT

Subtitle A—Additional Federal Resources

SEC. 201. NECESSARY ASSETS FOR CONTROLLING UNITED STATES BORDERS.

(a) PERSONNEL.—

(1) CUSTOMS AND BORDER PROTECTION OFFICERS.—In each of the fiscal years 2007 through 2011, the Secretary of Homeland Security shall increase by not less than 250 the number of positions for full-time active duty Customs and Border Protection officers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out paragraph (1).

(b) TECHNOLOGICAL ASSETS.—

(1) ACQUISITION.—The Secretary of Homeland Security shall procure unmanned aerial vehicles, cameras, poles, sensors, and other technologies necessary to achieve operational control of the borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000,000 for each of fiscal years 2007 through 2011 to carry out paragraph (1).

(c) BORDER PATROL CHECKPOINTS.—Notwithstanding any other provision of law or regulation, temporary or permanent checkpoints may be maintained on roadways in border patrol sectors close to the international land borders of the United States in such locations and for such time period durations as the Secretary of Homeland Security, in the Secretary's sole discretion, determines necessary.

SEC. 202. ADDITIONAL IMMIGRATION PERSONNEL.

(a) DEPARTMENT OF HOMELAND SECURITY.—

(1) INVESTIGATIVE PERSONNEL.—In addition to the positions authorized under section 5203 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law

108–458; 118 Stat. 3734), for each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 200 the number of positions for investigative personnel within the Department of Homeland Security investigating alien smuggling and immigration status violations above the number of such positions for which funds were made available during the preceding fiscal year.

(2) TRIAL ATTORNEYS.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase the number of positions for attorneys in the Office of General Counsel of the Department of Homeland Security who represent the Department in immigration matters by not less than 100 above the number of such positions for which funds were made available during each preceding fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection.

(b) DEPARTMENT OF JUSTICE.—

(1) ASSISTANT ATTORNEY GENERAL FOR IMMIGRATION ENFORCEMENT.—

(A) ESTABLISHMENT.—There is established within the Department of Justice the position of Assistant Attorney General for Immigration Enforcement. The Assistant Attorney General for Immigration Enforcement shall coordinate and prioritize immigration litigation and enforcement in the Federal courts, including—

(i) removal and deportation;

(ii) employer sanctions; and

(iii) alien smuggling and human trafficking.

(B) CONFORMING AMENDMENT.—Section 506 of title 28, United States Code, is amended by striking ''ten'' and inserting ''11''.

(2) LITIGATION ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of positions for attorneys in the Office of Immigration Litigation of the Department of Justice above the number of such positions for which funds were made available during the preceding fiscal year.

(3) ASSISTANT UNITED STATES ATTORNEYS.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of Assistant United States Attorneys to litigate immigration cases in the Federal courts above the number of such positions for which funds were made available during the preceding fiscal year.

(4) IMMIGRATION JUDGES.—In each of fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations for such purpose, increase by not less than 50 the number of immigration judges above the number of such positions for which funds were made available during the preceding fiscal year.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice for each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this subsection, including the hiring of necessary support staff.

SEC. 203. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) WORKSITE ENFORCEMENT.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 2,000, the number of positions for investigators dedicated to enforcing compliance with sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a) above the number of such positions in which funds were made available during the preceding fiscal year.

(b) FRAUD DETECTION.—In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations for such purpose, increase by not less than 1,000 the number of positions for Immigration Enforcement Agents dedicated to immigration fraud detection above the number of such positions in which funds were made available during the preceding fiscal year.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated during each of fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 204. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—The Secretary of Homeland Security shall provide all customs and border protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.

(b) FORENSIC DOCUMENT LABORATORY.—The Secretary of Homeland Security shall provide all officers of the Bureau of Customs and Border Protection with access to the Forensic Document Laboratory.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

SEC. 205. POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES.

Section 287(a) of the Immigration and Nationality Act (8 U.S.C. 1357(a)) is amended—

(1) by striking paragraph (5) and the 2 undesignated paragraphs following paragraph (5);

(2) in the material preceding paragraph (1)—

(A) by striking ''(a) Any'' and inserting ''(a)(1) Any''; and

(B) by striking ''Service'' and inserting ''Department of Homeland Security'';

(3) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively; and

(4) by inserting after subparagraph (D), as redesignated by paragraph (3), the following:

''(E) to make arrests—

''(i) for any offense against the United States, if the offense is committed in the officer's or employee's presence; or

''(ii) for any felony cognizable under the laws of the United States, if the officer or employee has reasonable grounds to believe that the person to be arrested has committed or is committing such a felony.

''(2) Under regulations prescribed by the Attorney General or the Secretary of Homeland Security, an officer or employee of the Service may carry a firearm and may execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States.''.

Subtitle B—Maintaining Accurate Enforcement Data on Aliens

SEC. 211. ENTRY-EXIT SYSTEM.

(a) INTEGRATED ENTRY AND EXIT DATA SYSTEM.—Section 110(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(b)(1)) is amended to read as follows:

''(1) provides access to, and integrates, arrival and departure data of all aliens who arrive and depart at ports of entry, in an electronic format and in a database of the Department of Homeland Security or the Department of State (including those created or used at ports of entry and at consular offices);''.

(b) CONSTRUCTION.—Section 110(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(c)) is amended to read as follows:

''(c) CONSTRUCTION.—Nothing in this section shall be construed to reduce or curtail any authority of the Secretary of Homeland Security or the Secretary of State under any other provision of law.''.

(c) DEADLINES.—Section 110(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(d)) is amended—

(1) in paragraph (1), by striking ''December 31, 2003'' and inserting ''October 1, 2006''; and

(2) by amending paragraph (2) to read as follows:

''(2) LAND BORDER PORTS OF ENTRY.—Not later than October 1, 2006, the Secretary of Homeland Security shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at all land border ports of entry. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.''.

(d) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—Section 110(f)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a(f)(1)) is amended by adding at the end: ''The Secretary of Homeland Security shall ensure that any officer or employee of the Department of Homeland Security or the Department of State having need to access the data contained in the integrated entry and exit data system for any lawful purpose under the Immigration and Nationality Act has such access, including access for purposes of representation of the Department of Homeland Security in removal proceedings under section 240 of such Act and adjudication of applications for benefits under such Act.''.

(e) BIOMETRIC DATA ENHANCEMENTS.—Not later than October 1, 2006, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the automated biometric fingerprint identification system (IDENT) of the Department of Homeland Security and the integrated automated fingerprint identification system (IAFIS) of the Federal Bureau of Investigation fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect all 10 fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), as amended by this section.

SEC. 212. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION REGARDING ALIENS.

(a) VIOLATIONS OF FEDERAL LAW.—A statute, policy, or practice that prohibits, or restricts in any manner, a law enforcement or administrative enforcement officer of a State or of a political subdivision therein, from enforcing Federal immigration laws or from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the investigative or enforcement duties of the officer or from providing information to an official of the United States Government regarding the immigration status of an individual who is believed

to be illegally present in the United States, is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644).

(b) STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION ABOUT APPREHENDED ILLEGAL ALIENS.—

(1) PROVISION OF INFORMATION.—

(A) IN GENERAL.—In compliance with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644), each law enforcement agency of a State or of a political subdivision therein shall provide to the Department of Homeland Security the information listed in paragraph (2) for each alien who is apprehended in the jurisdiction of such agency and who cannot produce the valid certificate of alien registration or alien registration receipt card described in section 264(d) of the Immigration and Nationality Act (8 U.S.C. 1304(d)).

(B) TIME LIMITATION.—Not later than 15 days after an alien described in subparagraph (A) is apprehended, information required to be provided under subparagraph (A) shall be provided in such form and in such manner as the Secretary of Homeland Security may, by regulation or guideline, require.

(C) EXCEPTION.—The reporting requirement in paragraph (A) shall not apply in the case of any alien determined to be lawfully present in the United States.

(2) INFORMATION REQUIRED.—The information listed in this subsection is as follows:

(A) The alien's name.

(B) The alien's address or place of residence.

(C) A physical description of the alien.

(D) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.

(E) If applicable—

(i) the alien's driver's license number and the State of issuance of such license;

(ii) the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document;

(iii) the license number and description of any vehicle registered to, or operated by, the alien; and

(iv) a photo of the alien and a full set of the alien's 10 rolled fingerprints, if available or readily obtainable.

(3) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse such law enforcement agencies for the costs, per a schedule determined by the Secretary, incurred by such agencies in collecting and transmitting the information described in paragraph (2).

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.—

(A) TECHNICAL AMENDMENT.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(i) in subsections (a), (b)(1), and (c), by striking ''Immigration and Naturalization Service'' each place it appears and inserting ''Department of Homeland Security''; and

(ii) in the heading by striking ''**IMMIGRATION AND NATURALIZATION SERVICE**'' and inserting ''**DEPARTMENT OF HOMELAND SECURITY**''.

(B) CONFORMING AMENDMENT.—Section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546) is amended by striking the item related to section 642 and inserting the following:

''Sec. 642. Communication between government agencies and the Department of Homeland Security.''.

(2) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(A) IN GENERAL.—Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644) is amended—

(i) by striking ''Immigration and Naturalization Service'' and inserting ''Department of Homeland Security''; and

(ii) in the heading by striking ''**IMMIGRATION AND NATURALIZATION SERVICE**'' and inserting ''**DEPARTMENT OF HOMELAND SECURITY**''.

(B) CONFORMING AMENDMENT.—Section 2 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1642) is amended by striking the item related to section 434 and inserting the following:

''Sec. 434. Communication between State and local government agencies and the Department of Homeland Security.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the requirements of this section.

SEC. 213. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary of Homeland Security has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(2) or (b)(2) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) detained by a Federal, State, or local law enforcement agency whom a Federal immigration officer has confirmed to be unlawfully present in the United States but, in the exercise of discretion, has been released from detention without transfer into the custody of a Federal immigration officer;

(D) who has remained in the United States beyond the alien's authorized period of stay; and

(E) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center should promptly remove any information provided by the Secretary of Homeland Security under paragraph (1) related to an alien who is granted lawful authority to enter or remain legally in the United States.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation or the alien has already been removed; and''.

SEC. 214. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning 2 years after the date of the enactment of this Act, the office of the United States attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

(b) GUIDELINES.—A determination made under subsection (a)(1) shall be made in accordance with guidelines of the Executive Office for Immigration Review of the Department of Justice.

(c) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in subsection (a)(2).

(2) DATA ENTRIES.—Beginning 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(d) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with the Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2012, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

Subtitle C—Detention of Aliens and Reimbursement of Costs

SEC. 221. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the

United States that have the capacity to detain a combined total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such aliens from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined with the concurrence of the Secretary by the senior officer responsible for Detention and Removal Operations in the Department of Homeland Security. The detention facilities shall be located so as to enable the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking ''may expend'' and inserting ''shall expend''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 222. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following new section:

''SEC. 240D. TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY.

''(a) IN GENERAL.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an illegal alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) deem the request to include the inquiry to verify immigration status described in section 642(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(c)), and expeditiously inform the requesting entity whether such individual is an illegal alien; and

''(B) if the individual is an illegal alien, either—

''(i) not later than 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

''(ii) request that the relevant State or local law enforcement agency temporarily detain or transport the illegal alien to a location for transfer to Federal custody; and

''(2) shall designate at least 1 Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of criminal or illegal aliens to the Department of Homeland Security.

''(b) REIMBURSEMENT.—

''(1) IN GENERAL.—The Secretary of Homeland Security shall reimburse a State or a political subdivision of a State for expenses, as verified by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of a criminal or illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1).

''(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be—

''(A) the product of—

''(i) the average daily cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

''(ii) the number of days that the alien was in the custody of the State or political subdivision; plus

''(B) the cost of transporting the criminal or illegal alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point; plus

''(C) the cost of uncompensated emergency medical care provided to a detained illegal alien during the period between the time of transmittal of the request described in subsection (a) and the time of transfer into Federal custody.

''(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in a Federal facility pursuant to this subsection are held in facilities which provide an appropriate level of security, and that, where practicable, aliens detained solely for civil violations of Federal immigration law are separated within a facility or facilities.

''(d) REQUIREMENT FOR SCHEDULE.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transportation of apprehended illegal aliens from the custody of those States and political subdivisions of States which routinely submit requests described in subsection (a) into Federal custody.

''(e) AUTHORITY FOR CONTRACTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security may enter into contracts or cooperative agreements with appropriate State and local law enforcement and detention agencies to implement this section.

''(2) DETERMINATION BY SECRETARY.—Prior to entering into a contract or cooperative agreement with a State or political subdivision of a State under paragraph (1), the Secretary shall determine whether the State, or where appropriate, the political subdivision in which the agencies are located has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Secretary shall not allocate any of the funds made available under this section to any State or political subdivision that has in place a policy that violates such section.

''(f) ILLEGAL ALIEN DEFINED.—In this section, the term 'illegal alien' means an alien who—

''(1) entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security;

''(2) was admitted as a nonimmigrant and who, at the time the alien was taken into custody by the State or a political subdivision of the State, had failed to—

''(A) maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248; or

''(B) comply with the conditions of any such status;

''(3) was admitted as an immigrant and has subsequently failed to comply with the requirements of that status; or

''(4) failed to depart the United States under a voluntary departure agreement or under a final order of removal.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There are authorized to be appropriated $850,000,000 for fiscal year 2007 and each subsequent fiscal year for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 223. INSTITUTIONAL REMOVAL PROGRAM.

(a) INSTITUTIONAL REMOVAL PROGRAM.—

(1) CONTINUATION.—The Secretary of Homeland Security shall continue to operate the Institutional Removal Program or develop and implement any other program to—

(A) identify removable criminal aliens in Federal and State correctional facilities;

(B) ensure that such aliens are not released into the community; and

(C) remove such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Secretary of Homeland Security shall extend the institutional removal program to all States. Each State should—

(A) cooperate with officials of the Federal Institutional Removal Program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey the information collected under subparagraph (B) to officials of the Institutional Removal Program.

(b) IMPLEMENTATION OF COOPERATIVE INSTITUTIONAL REMOVAL PROGRAMS.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373), is amended by adding at the end the following:

''(d) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State are authorized to—

''(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

''(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from the Bureau of Immigration and Customs Enforcement can take the alien into custody.

''(e) TECHNOLOGY USAGE.—Technology such as videoconferencing shall be used to the maximum extent practicable in order to make the Institutional Removal Program available in remote locations. Mobile access to Federal databases of aliens, such as the automated biometric fingerprint identification system (IDENT) of the Department of Homeland Security, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

''(f) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of the Border Security and Interior Enforcement Improvement Act of 2006, the Secretary of Homeland Security shall submit to Congress a report on the participation of States in the Institutional Removal Program and in any other program carried out under subsection (a).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Institutional Removal Program—

''(1) $30,000,000 for fiscal year 2007;

''(2) $40,000,000 for fiscal year 2008;
''(3) $50,000,000 for fiscal year 2009;
''(4) $60,000,000 for fiscal year 2010; and
''(5) $70,000,000 for fiscal year 2011 and each fiscal year thereafter.''.

Subtitle D—State, Local, and Tribal Enforcement of Immigration Laws

SEC. 231. CONGRESSIONAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT AUTHORITY BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

SEC. 232. IMMIGRATION LAW ENFORCEMENT TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.

(a) TRAINING MANUAL AND POCKET GUIDE.—
(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—
(A) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and
(B) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.
(2) AVAILABILITY.—The training manual and pocket guide established in accordance with paragraph (1) shall be made available to all State and local law enforcement personnel.
(3) APPLICABILITY.—Nothing in this subsection shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established in accordance with paragraph (1) with them while on duty.
(4) COSTS.—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under this subsection.
(b) TRAINING FLEXIBILITY.—
(1) IN GENERAL.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness of the Department of Homeland Security, on-site training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses.
(2) ONLINE TRAINING.—The head of the Distributed Learning Program of the Federal Law Enforcement Training Center shall make training available for State and local law enforcement personnel via the Internet through a secure, encrypted distributed learning system that has all its servers based in the United States.
(3) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.
(c) COOPERATIVE ENFORCEMENT PROGRAMS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall negotiate and execute, where practicable, a cooperative enforcement agreement described in section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with at least 1 law enforcement agency in each State, to train law enforcement officers in the detection and apprehension of individuals engaged in transporting, harboring, sheltering, or encouraging aliens in violation of section 274 of such Act (8 U.S.C. 1324).
(d) DURATION OF TRAINING.—Section 287(g)(2) of the Immigration and Nationalization Act (8 U.S.C. 1357(g)(2)) is amended by adding at the end ''Such training may not exceed 14 days or 80 hours of classroom training.''.
(e) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising the inherent authority of the officer to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody illegal aliens during the normal course of carrying out the law enforcement duties of the officer.
(f) TECHNICAL AMENDMENTS.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

SEC. 233. IMMUNITY.

(a) PERSONAL IMMUNITY.—Notwithstanding any other provision of law, a law enforcement officer of a State, or of a political subdivision of a State, shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the enforcement of any immigration law. The immunity provided by this subsection shall only apply to an officer of a State, or of a political subdivision of a State, who is acting within the scope of such officer's official duties.
(b) AGENCY IMMUNITY.—Notwithstanding any other provision of law, a law enforcement agency of a State, or of a political subdivision of a State, shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except to the extent that the law enforcement officer of such agency, whose action the claim involves, committed a violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

TITLE III—VISA REFORM AND ALIEN STATUS

Subtitle A—Limitations on Visa Issuance and Validity

SEC. 301. CURTAILMENT OF VISAS FOR ALIENS FROM COUNTRIES DENYING OR DELAYING REPATRIATION OF NATIONALS.

(a) IN GENERAL.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended by adding at the end the following new subsection:
''(e) PUBLIC LISTING OF ALIENS WITH NO SIGNIFICANT LIKELIHOOD OF REMOVAL.—
''(1) IN GENERAL.—The Secretary of Homeland Security shall establish and maintain a public listing of every alien who is subject to a final order of removal and with respect to whom the Secretary or any Federal court has determined that there is no significant likelihood of removal in the reasonably foreseeable future due to the refusal, or unreasonable delay, of all countries designated by the alien under this section to receive the alien. The public listing shall indicate whether such alien has been released from Federal custody, and the city and State in which such alien resides.
''(2) DISCONTINUATION OF VISAS.—If 25 or more of the citizens, subjects, or nationals of any foreign state remain on the public listing described in paragraph (1) throughout any month—
''(A) such foreign state shall be deemed to have denied or unreasonably delayed the acceptance of such aliens;
''(B) the Secretary of Homeland Security shall make the notification to the Secretary of State prescribed in subsection (d) of this section; and
''(C) the Secretary of State shall discontinue the issuance of nonimmigrant visas to citizens, subjects, or nationals of such foreign state until such time as the number of aliens on the public listing from such foreign state has—
''(i) declined to fewer than 6; or
''(ii) remained below 25 for at least 30 days.''.
(b) TECHNICAL AMENDMENT.—Section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended—
(1) in subsection (a)(1)(D), by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'';
(2) in subsection (c)—
(A) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and
(B) by striking ''Commissioner'' and inserting ''Secretary''; and
(3) in subsection (d)—
(A) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and
(B) by inserting ''of State'' after ''notifies the Secretary''.

SEC. 302. JUDICIAL REVIEW OF VISA REVOCATION.

Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking '', except in the context of a removal proceeding if such revocation provides the sole ground for removal under section 237(a)(1)(B)''.

SEC. 303. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—
(1) in subsection (a)—
(A) by inserting ''and'' at the end of paragraph (1);
(B) by striking ''; and'' at the end of paragraph (2) and inserting a period; and
(C) by striking paragraph (3); and
(2) by striking subsection (e).
(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—
(1) by striking subsection (c);
(2) in subsection (d), by striking ''(a), (b), or (c),'' and inserting ''(a) or (b),'';
(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);
(4) in subsection (f), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''; and
(5) in subsection (g), by striking ''(a), (b), and (c)'' and inserting ''(a) and (b)''.
(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—
(1) by striking subsection (a)(1)(I); and
(2) in subsection (e), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''.
(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 304. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

''(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court shall not—

''(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for permanent residence;

''(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

''(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court,

until such background and security checks as the Secretary may in his discretion require have been completed to the satisfaction of the Secretary.''.

SEC. 305. NATURALIZATION AND GOOD MORAL CHARACTER.

(a) NATURALIZATION REFORM.—

(1) BARRING TERRORISTS FROM NATURALIZATION.—Section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) is amended by adding at the end the following new subsection:

''(g) No person shall be naturalized who the Secretary of Homeland Security determines, in the Secretary's discretion, to have been at any time an alien described in section 212(a)(3) or 237(a)(4). Such determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and shall be binding upon, and unreviewable by, any court exercising jurisdiction under the immigration laws over any application for naturalization, regardless whether such jurisdiction to review a decision or action of the Secretary is de novo or otherwise.''.

(2) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—The last sentence of section 318 of such Act (8 U.S.C. 1429) is amended—

(A) by striking ''shall be considered by the Attorney General'' and inserting ''shall be considered by the Secretary of Homeland Security or any court'';

(B) by striking ''pursuant to a warrant of arrest issued under the provisions of this or any other Act:'' and inserting ''or other proceeding to determine the applicants inadmissibility or deportability, or to determine whether the applicants lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced:''; and

(C) by striking ''upon the Attorney General'' and inserting ''upon the Secretary of Homeland Security''.

(3) PENDING DENATURALIZATION OR REMOVAL PROCEEDINGS.—Section 204(b) of such Act (8 U.S.C. 1154(b)) is amended by adding at the end ''No petition shall be approved pursuant to this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could (whether directly or indirectly) result in the petitioner's denaturalization or the loss of the petitioner's lawful permanent resident status.''.

(4) CONDITIONAL PERMANENT RESIDENTS.—Section 216(e) of such Act (8 U.S.C. 1186a(e)) and section 216A(e) of such Act (8 U.S.C. 1186b(e)) are each amended by inserting before the period at the end of each such section '', if the alien has had the conditional basis removed under this section''.

(5) DISTRICT COURT JURISDICTION.—Section 336(b) of such Act (8 U.S.C. 1447(b)) is amended to read as follows:

''(b) If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period after the date on which the Secretary of Homeland Security completes all examinations and interviews conducted under such section (as such terms are defined in regulations issued by the Secretary), the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. Such court shall only have jurisdiction to review the basis for delay and remand the matter to the Secretary for the Secretary's determination on the application.''.

(6) CONFORMING AMENDMENTS.—Section 310(c) of such Act (8 U.S.C. 1421(c)) is amended—

(A) by inserting '', not later than 120 days after the date of the Secretary's final determination'' before ''seek''; and

(B) by striking the second sentence and inserting ''The burden shall be upon the petitioner to show that the Secretary's denial of the application was not supported by facially legitimate and bona fide reasons. Except in a proceeding under section 340, notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to determine, or to review a determination of the Secretary made at any time regarding, for purposes of an application for naturalization, whether an alien is a person of good moral character, whether an alien understands and is attached to the principles of the Constitution of the United States, or whether an alien is well disposed to the good order and happiness of the United States.''.

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other case or matter under the immigration laws pending on, or filed on or after, such date.

(b) BAR TO GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(A) by inserting after paragraph (1) the following new paragraph:

''(2) one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or section 237(a)(4), which determination may be based upon any relevant information or evidence, including classified, sensitive, or national security information, and which shall be binding upon any court regardless of the applicable standard of review;'';

(B) in paragraph (8), by inserting '', regardless whether the crime was classified as an aggravated felony at the time of conviction'' after ''(as defined in subsection (a)(43))''; and

(C) by striking the first sentence in the undesignated paragraph following paragraph (9) and inserting ''The fact that any person is not within any of the foregoing classes shall not preclude a discretionary finding for other reasons that such a person is or was not of good moral character. The Secretary and the Attorney General shall not be limited to the applicant's conduct during the period for which good moral character is required, but may take into consideration as a basis for determination the applicant's conduct and acts at any time.''.

(2) AGGRAVATED FELONY EFFECTIVE DATE.—Section 509(b) of the Immigration Act of 1990 (Public Law 101–649), as amended by section 306(a)(7) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Public Law 102–232)), is amended to read as follows:

''(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 29, 1990, and shall apply to convictions occurring before, on, or after such date.''.

(3) TECHNICAL CORRECTION TO THE INTELLIGENCE REFORM ACT.—Section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3741) is amended by striking ''adding at the end'' and inserting ''inserting after paragraph (8) and before the undesignated paragraph at the end''.

(4) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act, shall apply to any act that occurred before, on, or after such date, and shall apply to any application for naturalization or any other benefit or relief or any other case or matter under the immigration laws pending on, or filed on or after, such date; or

(B) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The amendments made by paragraph (3) shall take effect as if included in the enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638).

SEC. 306. DENIAL OF BENEFITS TO TERRORISTS AND CRIMINALS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following new section:

''SEC. 219A. PROHIBITION ON PROVIDING IMMIGRATION BENEFITS TO CERTAIN ALIENS.

''Nothing in this Act or any other provision of law shall permit the Secretary of Homeland Security, the Attorney General, the Secretary of State, the Secretary of Labor, or any other authorized head of any agency to grant any application, approve any petition, or grant or continue any status or benefit under the immigration laws by, to, or on behalf of—

''(1) any alien described in subparagraphs (A)(i), (A)(iii), (B), or (F) of sections 212(a)(3) or subparagraphs (A)(i), (A)(iii), or (B) of section 237(a)(4);

''(2) any alien with respect to whom a criminal or other investigation or case is pending that is material to the alien's inadmissibility, deportability, or eligibility for the status or benefit sought; or

''(3) any alien for whom all law enforcement checks, as deemed appropriate by such authorized official, have not been conducted and resolved.''.

(b) INADMISSIBILITY ON SECURITY AND RELATED GROUNDS.—Section 212(a)(3)(B)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)(I)) is amended by inserting ''is able to demonstrate, by clear and convincing evidence, that such spouse or child'' after ''who''.

SEC. 307. REPEAL OF ADJUSTMENT OF STATUS OF CERTAIN ALIENS PHYSICALLY PRESENT IN UNITED STATES UNDER SECTION 245(i).

Section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is repealed.

SEC. 308. GROUNDS OF INADMISSIBILITY AND REMOVABILITY FOR PERSECUTORS.

(a) GENERAL CLASSES OF ALIENS INELIGIBLE TO RECEIVE VISAS AND INELIGIBLE FOR ADMISSION.—

(1) PERSECUTION.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended—

(A) in the header, by striking ''NAZI''; and

(B) by inserting after clause (iii) the following new clause:

''(iv) PARTICIPATION IN OTHER PERSECUTION.—Any alien who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion is inadmissible.''.

(2) RECOMMENDATIONS BY CONSULAR OFFICERS.—Section 212(d)(3)(A) of the Immigration and Nationality Act (8 U.S.C.

1182(d)(3)(A)) by striking ''and clauses (i) and (ii) of paragraph (3)(E)'' both places it appears and inserting ''or 3(E)''.

(b) GENERAL CLASSES OF DEPORTABLE ALIENS.—Section 237(a)(4)(D) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(D)) is amended—

(1) in the header, by striking ''NAZI''; and

(2) by striking ''or (iii)'' and inserting ''(iii), or (iv)''.

(c) BAR TO GOOD MORAL CHARACTER.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended—

(1) in paragraph (8), by striking ''or'';

(2) in paragraph (9), as added by section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3741), as amended by section 305(b)(3) of this Act, by striking the period at the end and inserting a semicolon and ''or''; and

(3) inserting after paragraph (9), as added by section 5504(2) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3741), as amended by section 305(b)(3) of this Act, and before the undesignated paragraph at the end the following new paragraph:

''(10) one who at any time has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.''.

(d) VOLUNTARY DEPARTURE.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) in subsection (a)(1), by striking ''deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)(B)'' and inserting ''removable under section 237(a)(2)(A)(iii), subparagraph (B) or (D) or section 237(a)(4), or section 212(a)(3)(E).''; and

(2) in subsection (b)(1)(C), by striking ''deportable under section 237(a)(2)(A)(iii) or section 237(a)(4)(B)'' and inserting ''removable under section 237(a)(2)(A)(iii), subparagraph (B) or (D) of section 237(a)(4), or section 212(a)(3)(E).''.

(e) AIDING OR ASSISTING CERTAIN ALIENS TO ENTER THE UNITED STATES.—Section 277 of such Act (8 U.S.C. 1327) is amended by striking ''or 212(a)(3) (other than subparagraph (E) thereof)'' and inserting '', section 212(a)(3)''.

SEC. 309. TECHNICAL CORRECTIONS TO SEVIS REPORTING REQUIREMENTS.

(a) PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.—

(1) IN GENERAL.—Section 641(a)(4) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)(4)) is amended—

(A) by striking ''Not later than 30 days after the deadline for registering for classes for an academic term'' and inserting ''Not later than the program start date (for new students) or the next session start date (for continuing students) of an academic term''; and

(B) by striking ''shall report to the Immigration and Naturalization Service any failure of the alien to enroll or to commence participation.'' and inserting ''shall report to the Secretary of Homeland Security any failure to enroll or to commence participation by the program start date or next session start date, as applicable.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—Except as provided in subparagraph (B), section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''.

(B) EXCEPTIONS.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372) is amended—

(i) in subsections (b), (c)(4)(A), (c)(4)(B), (e)(1), (e)(6), and (g) by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place that term appears;

(ii) by striking the heading of section (c)(4)(B) and inserting ''SECRETARY OF HOMELAND SECURITY AND ATTORNEY GENERAL''; and

(iii) in subsection (f), by inserting ''the Secretary of Homeland Security,'' before ''the Attorney General''.

(b) CLARIFICATION OF RELEASE OF INFORMATION.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), as amended by subsection (a), is further amended—

(1) in subsection (c)(1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon and ''and''; and

(C) by adding at the end the following new subparagraph:

''(I) any other information the Secretary of Homeland Security determines is necessary.''; and

(2) in subsection (c)(2), by adding at the end ''Approved institutions of higher education or other approved educational institutions shall release information regarding alien students referred to in this section to the Secretary of Homeland Security as part of such information collection program or upon request.''.

TITLE IV—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

SEC. 401. SHORT TITLE.

This title may be cited as the ''Employment Security Act of 2006''.

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) The failure of Federal, State, and local governments to control and sanction the unauthorized employment and unlawful exploitation of illegal alien workers is a primary cause of illegal immigration.

(2) The use of modern technology not available in 1986, when the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) created the I–9 worker verification system, will enable employers to rapidly and accurately verify the identity and work authorization of their employees and independent contractors.

(3) The Government and people of the United States share a compelling interest in protection of United States employment authorization, income tax withholding, and social security accounting systems, against unauthorized access by illegal aliens.

(4) Limited data sharing between the Department of Homeland Security, the Internal Revenue Service, and the Social Security Administration is essential to the integrity of these vital programs, which protect the employment and retirement security of all working Americans.

(5) The Federal judiciary must be open to private United States citizens, legal foreign workers, and law-abiding enterprises that seek judicial protection against injury to their wages and working conditions due to unlawful employment of illegal alien workers and the United States enterprises that utilize the labor or services provided by illegal aliens, especially where lack of resources constrains enforcement of Federal immigration law by Federal immigration officials.

Subtitle B—Employment Eligibility Verification System

SEC. 411. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by adding at the end the following:

''(7) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish and administer a verification system, known as the Employment Eligibility Verification System, through which the Secretary—

''(i) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

''(ii) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

''(B) INITIAL RESPONSE.—The verification system shall provide verification or a tentative nonverification of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing verification or tentative nonverification, the verification system shall provide an appropriate code indicating such verification or such nonverification.

''(C) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONVERIFICATION.—In cases of tentative nonverification, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final verification or nonverification within 10 working days after the date of the tentative nonverification. When final verification or nonverification is provided, the verification system shall provide an appropriate code indicating such verification or nonverification.

''(D) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

''(i) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

''(ii) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

''(iii) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

''(iv) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

''(I) the selective or unauthorized use of the system to verify eligibility;

''(II) the use of the system prior to an offer of employment; or

''(III) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

''(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified

under subparagraphs (B) and (C), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such verification or nonverification) except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

''(F) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—(i) As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and alien identification or authorization number which are provided in an inquiry against such information maintained by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, and whether the alien is authorized to be employed in the United States.

''(ii) When a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number, the Secretary of Homeland Security shall conduct an investigation, within the time periods specified in subparagraphs (B) and (C), in order to ensure that no fraudulent use of a social security account number has taken place. If the Secretary has selected a designee to establish and administer the verification system, the designee shall notify the Secretary when a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number. The designee shall also provide the Secretary with all pertinent information, including the name and address of the employer or employers who submitted the relevant social security account number, the relevant social security account number submitted by the employer or employers, and the relevant name and date of birth of the employee submitted by the employer or employers.

''(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subparagraph (C).

''(H) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this subsection for any purpose other than the enforcement and administration of the immigration laws, the Social Security Act, or any provision of Federal criminal law.

''(I) FEDERAL TORT CLAIMS ACT.—If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this subparagraph.

''(J) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION.—No person or entity shall be civilly or criminally liable for any action taken in good faith reliance on information provided through the employment eligibility verification mechanism established under this paragraph.''.

(b) REPEAL OF PROVISION RELATING TO EVALUATIONS AND CHANGES IN EMPLOYMENT VERIFICATION.—Section 274A(d) (8 U.S.C. 1324a(d)) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 412. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(3), by inserting ''(A)'' after ''DEFENSE.—'', and by adding at the end the following:

''(B) FAILURE TO SEEK AND OBTAIN VERIFICATION.—In the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

''(i) FAILURE TO SEEK VERIFICATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (b)(7), seeking verification of the identity and work eligibility of the individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring, the date specified in subsection (b)(8)(B) for previously hired individuals, or before the recruiting or referring commences, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

''(ii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (b)(7)(B) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.'';

(2) by amending subparagraph (A) of subsection (b)(1) to read as follows:

''(A) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Secretary by regulation, that it has verified that the individual is not an unauthorized alien by—

''(i) obtaining from the individual the individual's social security account number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under paragraph (2), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

''(ii)(I) examining a document described in subparagraph (B); or

''(II) examining a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and, if the document bears an expiration date, that expiration date has not elapsed. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and is sufficient to meet the first sentence of this paragraph, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce another document.'';

(3) in subsection (b)(1)(D)—

(A) in clause (i), by striking ''or such other personal identification information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section''; and

(B) in clause (ii), by inserting before the period ''and that contains a photograph of the individual'';

(4) in subsection (b)(2), by adding at the end the following: ''The individual must also provide that individual's social security account number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under this paragraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.'';

(5) by amending paragraph (3) of subsection (b) to read as follows:

''(3) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

''(A) IN GENERAL.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity shall—

''(i) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual or the date of the completion of verification of a previously hired individual and ending—

''(I) in the case of the recruiting or referral of an individual, three years after the date of the recruiting or referral;

''(II) in the case of the hiring of an individual, the later of—

''(aa) three years after the date of such hiring; or

''(bb) one year after the date the individual's employment is terminated; and

''(III) in the case of the verification of a previously hired individual, the later of—

''(aa) three years after the date of the completion of verification; or

''(bb) one year after the date the individual's employment is terminated;

''(ii) make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of an individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring or in the case of previously hired individuals, the date specified in subsection (b)(8)(B), or before the recruiting or referring commences; and

''(iii) not commence recruitment or referral of the individual until the person or entity receives verification under subparagraph (B)(i) or (B)(iii).

''(B) VERIFICATION.—

''(i) VERIFICATION RECEIVED.—If the person or other entity receives an appropriate verification of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final verification of such identity and work eligibility of the individual.

''(ii) TENTATIVE NONVERIFICATION RECEIVED.—If the person or other entity receives a tentative nonverification of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the process for secondary verification provided under paragraph (7). The nonverification will remain tentative until a final verification or nonverification is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonverification becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

''(iii) FINAL VERIFICATION OR NONVERIFICATION RECEIVED.—If a final verification or nonverification is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a verification or nonverification of identity and work eligibility of the individual.

''(iv) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

''(v) CONSEQUENCES OF NONVERIFICATION.—

''(I) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonverification regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

''(II) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under subclause (I), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

''(vi) CONTINUED EMPLOYMENT AFTER FINAL NONVERIFICATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonverification, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).'';

(6) by amending paragraph (4) of subsection (b) to read as follows:

''(4) COPYING AND RECORD KEEPING OF DOCUMENTATION REQUIRED.—

''(A) LAWFUL EMPLOYMENT DOCUMENTS.—Notwithstanding any other provision of law, a person or entity shall retain a copy of each document presented by an individual to the individual or entity pursuant to this subsection. Such copy may only be used (except as otherwise permitted under law) for the purposes of complying with the requirements of this subsection and shall be maintained for a time period to be determined by the Secretary of Homeland Security.

''(B) SOCIAL SECURITY CORRESPONDENCE.—A person or entity shall maintain records of correspondence from the Commissioner of Social Security regarding name and number mismatches or no-matches and the steps taken to resolve such mismatches or no-matches. The employer shall maintain such records for a time period to be determined by the Secretary.

''(C) OTHER DOCUMENTS.—The Secretary may, by regulation, require additional documents to be copied and maintained.''; and

(7) by amending paragraph (5) of subsection (b) to read as follows:

''(5) USE OF ATTESTATION FORM.—A form designated by the Secretary to be used for compliance with this subsection, and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this chapter or of title 18, United States Code.''.

(b) INVESTIGATION NOT A WARRANTLESS ENTRY.—Section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) is amended by adding at the end the following: ''An investigation authorized pursuant to subsections (b)(7) or (e) of section 274A is not a warrantless entry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 413. EXPANSION OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM TO PREVIOUSLY HIRED INDIVIDUALS AND RECRUITING AND REFERRING.

(a) APPLICATION TO RECRUITING AND REFERRING.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(1)(A), by striking ''for a fee'';

(2) in subsection (a)(1), by amending subparagraph (B) to read as follows:

''(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).'';

(3) in subsection (a)(2) by striking ''after hiring an alien for employment in accordance with paragraph (1),'' and inserting ''after complying with paragraph (1),''; and

(4) in subsection (a)(3), as amended by section 702, is further amended by striking ''hiring,'' and inserting ''hiring, employing,'' each place it appears.

(b) EMPLOYMENT ELIGIBILITY VERIFICATION FOR PREVIOUSLY HIRED INDIVIDUALS.—Section 274A(b) of such Act (8 U.S.C. 1324a(b)), as amended by section 411(a), is amended by adding at the end the following new paragraph:

''(8) USE OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM FOR PREVIOUSLY HIRED INDIVIDUALS.—

''(A) ON A VOLUNTARY BASIS.—Beginning on the date that is 2 years after the date of the enactment of the Employment Security Act of 2006 and until the date specified in subparagraph (B)(iii), a person or entity may make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the person or entity, as long as it is done on a nondiscriminatory basis.

''(B) ON A MANDATORY BASIS.—

''(i) INITIAL COMPLIANCE.—A person or entity described in clause (ii) shall make an inquiry as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity who have not been previously subject to an inquiry by the person or entity by the date 3 years after the date of the enactment of the Employment Security Act of 2006.

''(ii) PERSON OR ENTITY COVERED.—A person or entity is described in this clause if it is a Federal, State, or local governmental body (including the Armed Forces of the United States), or if it employs individuals working in a location that is a Federal, State, or local government building, a military base, a nuclear energy site, a weapon site, an airport, or that contains critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))), but only to the extent of such individuals.

''(iii) SUBSEQUENT COMPLIANCE.—All persons and entities other than a person or entity described in clause (ii) shall make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity that have not been previously subject to an inquiry by the person or entity by the date 6 years after the date of the enactment of the Employment Security Act of 2006.''.

SEC. 414. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking ''imposing'', and inserting a dash and ''(A) imposing'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

''(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

''(ii) take other steps that facilitate the employment of day laborers by others.''.

SEC. 415. BASIC PILOT PROGRAM.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''at the end of the 11-year period beginning on the first day the pilot program is in effect'' and inserting ''2 years after the date of the enactment of the Employment Security Act of 2006''.

SEC. 416. PROTECTION FOR UNITED STATES WORKERS AND INDIVIDUALS REPORTING IMMIGRATION LAW VIOLATIONS.

Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

''(7) PROTECTION OF RIGHT TO REPORT.—Notwithstanding any other provision of law, the rights protected by this subsection include the right of any individual to report a violation or suspected violation of any immigration law to the Secretary of Homeland Security or a law enforcement agency.''.

SEC. 417. PENALTIES.

(a) CIVIL AND CRIMINAL PENALTIES.—Section 274A(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(4)) is amended to read:

''(4) CIVIL AND CRIMINAL PENALTIES.—

''(A) KNOWINGLY HIRING UNAUTHORIZED ALIENS.—Any person or entity that violates subsection (a)(1)(A) shall—

''(i) in the case of a first offense, be fined $10,000 for each unauthorized alien;

''(ii) (in the case of a second offense, be fined $50,000 for each unauthorized alien; and

''(iii) in the case of a third or subsequent offense, be fined in accordance with title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.

''(B) CONTINUING EMPLOYMENT OF UNAUTHORIZED ALIENS.—Any person or entity that violates subsection (a)(2) shall be fined in accordance of title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.''.

(b) PAPERWORK OR VERIFICATION VIOLATIONS.—Section 274A(e)(5) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read:

''(5) PAPERWORK OR VERIFICATION VIOLATIONS.—Any person or entity that violates subsection (a)(1)(B) shall—

''(A) in the case of a first offense, be fined $1,000 for each violation;

''(B) in the case of a second violation, be fined $5,000 for each violation; and

''(C) in the case of a third and subsequent violation, be fined $10,000 for each such violation.''.

(c) GOVERNMENT CONTRACTS.—Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

''(10) GOVERNMENT CONTRACTS.—

''(A) EMPLOYERS.—

''(i) IN GENERAL.—If the Secretary of Homeland Secretary determines that a person or entity that employs an alien is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a 2-year period.

''(ii) WAIVER.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and Attorney General, may waive the application of this subparagraph or may limit the duration or scope of the debarment imposed under it.

''(iii) PROHIBITION ON JUDICIAL REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

''(B) CONTRACTORS AND RECIPIENTS.—

''(i) IN GENERAL.—If the Secretary of Homeland Security determines that a person or entity that employs an alien and holds a Federal contract, grant, or cooperative agreement is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. Prior to debarring the employer, the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise the head of each agency holding such a contract, grant, or cooperative agreement with person or entity of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

''(ii) WAIVER.—After consideration of the views of the head of each such agency, the Secretary of Homeland Security may, in lieu of debarring the employer from the receipt of new a Federal contract, grant, or cooperative agreement for a period of 2 years, waive application of this subparagraph, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation.

''(iii) PROHIBITION ON REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

''(C) CAUSE FOR SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this paragraph shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(D) APPLICABILITY.—The provisions of this paragraph shall apply to any Federal contract, grant, or cooperative agreement that is effective on or after the date of the enactment of the Employment Security Act of 2006.''.

(d) CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(f)(1)) is amended to read as follows:

''(1) CRIMINAL PENALTY.—Any person or entity engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than 3 years and not more than 5 years, or both, notwithstanding the provisions of any other Federal law relating to fine levels. The amount of the gross proceeds of such violation, and any property traceable to such proceeds, shall be seized and subject to forfeiture under title 18, United States Code.''.

(e) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—Subsections (b)(2) and (f)(2) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) are amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

SEC. 421. VERIFICATION RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.

The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, however in no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

SEC. 422. NOTIFICATION BY COMMISSIONER OF FAILURE TO CORRECT SOCIAL SECURITY INFORMATION.

The Commissioner of Social Security shall promptly notify the Secretary of Homeland Security of the failure of any individual to provide, upon any request of the Commissioner made pursuant to section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), evidence necessary, under such section to—

(1) establish the age, citizenship, immigration or work eligibility status of the individual;

(2) establish such individual's true identity; or

(3) determine which (if any) social security account number has previously been assigned to such individual.

SEC. 423. RESTRICTION ON ACCESS AND USE.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

''(I)(i) Access to any information contained in the Employment Eligibility Verification System established section 274A(b)(7) of the Immigration and Nationality Act, shall be prohibited for any purpose other than the administration or enforcement of Federal immigration, social security, and tax laws, any provision of title 18, United States Code, or as otherwise authorized by Federal law.

''(ii) No person or entity may use the information in such Employment Eligibility Verification System for any purpose other than as permitted by Federal law.

''(iii) Whoever knowingly uses, discloses, publishes, or permits the unauthorized use of information in such Employment Eligibility Verification System in violation of clause (i) or (ii) shall be fined not more than $10,000 per individual injured by such violation. The Commissioner of Social Security shall establish procedure to ensure that 60 percent of any fine imposed under this clause is awarded to the individual injured by such violation.''.

SEC. 424. SHARING OF INFORMATION WITH THE COMMISSIONER OF INTERNAL REVENUE SERVICE.

Section 205(c)(2)(H) of the Social Security Act (42 U.S.C. 405(c)(2)(H)) is amended to read as follows:

''(H) The Commissioner of Social Security shall share with the Secretary of the Treasury—

''(i) the information obtained by the Commissioner pursuant to the second sentence of subparagraph (B)(ii) and to subparagraph (C)(ii) for the purpose of administering those sections of the Internal Revenue Code of 1986 that grant tax benefits based on support or residence of children; and

''(ii) information relating to the detection of wages or income from self-employment of unauthorized aliens (as defined by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)), or the investigation of false statements or fraud by such persons incident to the administration of immigration, social security, or tax laws of the United States.

Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.''.

SEC. 425. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY.

(a) AMENDMENT TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security

Act (42 U.S.C. 405(c)(2)), as amended by section 423, is amended by adding at the end the following new subparagraph:

''(J) Upon the issuance of a social security account number under subparagraph (B) to any individual or the issuance of a Social Security card under subparagraph (G) to any individual, the Commissioner of social security shall transmit to the Secretary of Homeland Security such information received by the Commissioner in the individual's application for such number or such card as the Secretary of Homeland Security determines necessary and appropriate for administration of the immigration laws of the United States.''.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—

(1) FORMS AND PROCEDURES.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

''(f) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Secretary of Homeland Security, Secretary of Labor and the Attorney General are authorized to require any individual to provide the individual's own social security account number for purposes of inclusion in any record of the individual maintained by any of any such Secretary or the Attorney General, or for inclusion on any application, document, or form provided under or required by the immigration laws.''.

(2) CENTRAL FILE.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code) if earnings are reported on or after January 1, 1997, to the Commissioner of Social Security on a social security account number issued to an alien who is not authorized to work in the United States, the Commissioner shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

''(3) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where a social security account number does not match the name in the Social Security Administration record. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(4) Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where the individual has more than one person reporting earnings for the individual during a single tax year and where a social security number was used with multiple names. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

''(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, any search or manipulation of records held by the Commissioner, so long as the Secretary certifies that the purpose of the search or manipulation is to obtain information likely to assist in identifying individuals (and their employers) who—

''(i) are using false names or social security numbers; who are sharing among multiple individuals a single valid name and social security number;

''(ii) are using the social security number of persons who are deceased, too young to work or not authorized to work; or

''(iii) are otherwise engaged in a violation of the immigration laws.

''(B) The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision of law (including section 6103 of title 26, United States Code). The Secretary shall transfer to the Commissioner the funds necessary to cover the additional cost directly incurred by the Commissioner in carrying out the searches or manipulations reported by the Secretary.''.

Subtitle D—Sharing of Information

SEC. 431. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY AND THE COMMISSIONER OF SOCIAL SECURITY.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 6103(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE OF INFORMATION RELATING TO VIOLATIONS OF FEDERAL IMMIGRATION LAW.—

''(A) Upon receipt by the Secretary of the Treasury of a written request, by the Secretary of Homeland Security or Commissioner of Social Security, the Secretary of the Treasury shall disclose return information to officers and employees of the Department of Homeland Security and the Social Security Administration who are personally and directly engaged in—

''(i) preparation for any judicial or administrative civil or criminal enforcement proceeding against an alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the adjudication of any application for a change in immigration status or other benefit by such alien, or

''(ii) preparation for a civil or criminal enforcement proceeding against a citizen or national of the United States under section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, or 1324c), or

''(iii) any investigation which may result in the proceedings enumerated in clauses (i) and (ii) above.

''(B) LIMITATION ON USE AND RETENTION OF TAX RETURN INFORMATION.—

''(i) Information disclosed under this paragraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

''(ii) Should the proceeding for which such information has been disclosed not commence within 3 years after the date on which the information has been disclosed by the Secretary, the information shall be returned to the Secretary in its entirety, and shall not be retained in any form by the requestor, unless the taxpayer is notified in writing as to the information that has been retained.''.

(b) AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by adding at the end the following new subsection:

''(i) NO-MATCH NOTICE.—

''(1) NO-MATCH NOTICE DEFINED.—In this subsection, the term 'no-match notice' means a written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

''(2) PROVISION OF INFORMATION.—

''(A) REQUIREMENT TO PROVIDE.—Notwithstanding any other provision of law (including section 6103 of title 26, United States Code), the Commissioner shall provide the Secretary of Homeland Security with information relating to employers who have received no-match notices and, upon request, with such additional information as the Secretary certifies is necessary to administer or enforce the immigration laws.

''(B) FORM OF INFORMATION.—The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

''(C) USE OF INFORMATION.—A no-match notice received by the Secretary from the Commissioner may be used as evidence in any civil or criminal proceeding.

''(3) OTHER AUTHORITIES.—

''(A) VERIFICATION REQUIREMENT.—The Secretary, in consultation with the Commissioner, is authorized to establish by regulation requirements for verifying the identity and work authorization of an employee who is the subject of a no-match notice.

''(B) PENALTIES.—The Secretary is authorized to establish by regulation penalties for failure to comply with this subsection.

''(C) LIMITATION ON AUTHORITIES.—This authority in this subsection is provided in aid of the Secretary's authority to administer and enforce the immigration laws, and nothing in this subsection shall be construed to authorize the Secretary to establish any regulation regarding the administration or enforcement of laws otherwise relating to taxation or the Social Security system.''.

Subtitle E—Identification Document Integrity

SEC. 441. CONSULAR IDENTIFICATION DOCUMENTS.

(a) ACCEPTANCE OF FOREIGN IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—Subject to paragraph (3), for purposes of personal identification, no agency, commission, entity, or agent of the executive or legislative branches of the Federal Government may accept, acknowledge, recognize, or rely on any identification document issued by the government of a foreign country, unless otherwise mandated by Federal law.

(2) AGENT DEFINED.—In this section, the term ''agent'' shall include the following:

(A) A Federal contractor or grantee.

(B) An institution or entity exempted from Federal income taxation under the Internal Revenue Code of 1986.

(C) A financial institution required to ask for identification under section 5318(l) of title 31, United States Code.

(3) EXCEPTIONS.—

(A) IN GENERAL.—An individual who is not a citizen or national of the United States may present for purposes of personal identification an official identification document issued by the government of a foreign country or other foreign identification document recognized pursuant to a treaty entered into by the United States, if—

(i) such individual simultaneously presents valid verifiable documentation of lawful

presence in the United States issued by the appropriate agency of the Federal Government;

(ii) reporting a violation of law or seeking government assistance in an emergency;

(iii) the document presented is a passport issued to a citizen or national of a country that participates in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by the government of such country; or

(iv) such use is expressly permitted another provision of Federal law.

(B) NONAPPLICATION.—The provisions of paragraph (1) shall not apply to—

(i) inspections of alien applicants for admission to the United States; or

(ii) verification of personal identification of persons outside the United States.

(4) LISTING OF ACCEPTABLE DOCUMENTS.—The Secretary of Homeland Security shall issue and maintain an updated public listing, compiled in consultation with the Secretary of State, and including sample facsimiles, of all acceptable Federal documents that satisfy the requirements of paragraph (3)(A).

(b) ESTABLISHMENT OF PERSONAL IDENTITY.—Section 274C(a) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a comma and ''or''; and

(3) by inserting after paragraph (6) the following new paragraph:

''(7) to use to establish personal identity, before any agent of the Federal Government, or before any agency of the Federal Government or of a State or any political subdivision therein, a travel or identification document issued by a foreign government that is not accepted by the Secretary of Homeland Security to establish personal identity for purposes of admission to the United States at a port of entry, except—

''(A) in the case of a person who is not a citizen of the United States—

''(i) the person simultaneously presents valid verifiable documentation of lawful presence in the United States issued by an agency of the Federal Government;

''(ii) the person is reporting a violation of law or seeking government assistance in an emergency; or

''(iii) such use is expressly permitted by Federal law.''.

SEC. 442. MACHINE-READABLE TAMPER-RESISTANT IMMIGRATION DOCUMENTS.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) in the heading, by striking ''**ENTRY AND EXIT DOCUMENTS**'' and inserting ''**TRAVEL, ENTRY, AND EVIDENCE OF STATUS DOCUMENTS**'';

(2) in subsection (b)(1)—

(A) by striking ''Not later than October 26, 2004, the Attorney General'' and inserting ''The Secretary of Homeland Security''; and

(B) by striking ''visas and'' each place it appears and inserting ''visas, evidence of status, and'';

(3) by striking subsection (d) and inserting the following:

''(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of immigrant, nonimmigrant, parole, asylee, or refugee status, shall be machine-readable, tamper-resistant, and incorporate a biometric identifier to allow the Secretary of Homeland Security to electronically verify the identity and status of the alien.

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursements to international and domestic standards organizations.

''(2) FEE.—During any fiscal year for which appropriations sufficient to issue documents described in subsection (d) are not made pursuant to law, the Secretary of Homeland Security is authorized to implement and collect a fee sufficient to cover the direct cost of issuance of such document from the alien to whom the document will be issued.

''(3) EXCEPTION.—The fee described in paragraph (2) may not be levied against nationals of a foreign country if the Secretary of Homeland has determined that the total estimated population of such country who are unlawfully present in the United States does not exceed 3,000 aliens.''.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107–173; 116 Stat. 543) is amended by striking the item relating to section 303 and inserting the following:

''Sec. 303. Machine-readable, tamper-resistant travel, entry, and evidence of status documents.''.

Subtitle F—Effective Date; Authorization of Appropriations

SEC. 451. EFFECTIVE DATE.

Except as otherwise specially provided in this Act, the provisions of this title shall take effect not later than 45 days after the date of the enactment of this Act.

SEC. 452. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

TITLE V—PENALTIES AND ENFORCEMENT

Subtitle A—Criminal and Civil Penalties

SEC. 501. ALIEN SMUGGLING AND RELATED OFFENSES.

(a) IN GENERAL.—Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended to read as follows:

''SEC. 274. ALIEN SMUGGLING AND RELATED OFFENSES.

''(a) CRIMINAL OFFENSES AND PENALTIES.—

''(1) PROHIBITED ACTIVITIES.—Whoever—

''(A) assists, encourages, directs, or induces a person to come to or enter the United States, or to attempt to come to or enter the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to come to or enter the United States;

''(B) assists, encourages, directs, or induces a person to come to or enter the United States at a place other than a designated port of entry or place other than as designated by the Secretary of Homeland Security, regardless of whether such person has official permission or lawful authority to be in the United States, knowing or in reckless disregard of the fact that such person is an alien;

''(C) assists, encourages, directs, or induces a person to reside in or remain in the United States, or to attempt to reside in or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside in or remain in the United States;

''(D) transports or moves a person in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to enter or be in the United States, where the transportation or movement will aid or further in any manner the person's illegal entry into or illegal presence in the United States;

''(E) harbors, conceals, or shields from detection a person in the United States knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to be in the United States;

''(F) transports, moves, harbors, conceals, or shields from detection a person outside of the United States knowing or in reckless disregard of the fact that such person is an alien in unlawful transit from one country to another or on the high seas, under circumstances in which the person is in fact seeking to enter the United States without official permission or lawful authority; or

''(G) conspires or attempts to commit any of the preceding acts,

shall be punished as provided in paragraph (2), regardless of any official action which may later be taken with respect to such alien.

''(2) CRIMINAL PENALTIES.—A person who violates the provisions of paragraph (1) shall—

''(A) except as provided in subparagraphs (D) through (H), in the case where the offense was not committed for commercial advantage, profit, or private financial gain, be imprisoned for not more than 5 years, or fined under title 18, United States Code, or both;

''(B) except as provided in subparagraphs (C) through (H), where the offense was committed for commercial advantage, profit, or private financial gain—

''(i) in the case of a first violation of this subparagraph, be imprisoned for not more than 20 years, or fined under title 18, United States Code, or both; and

''(ii) for any subsequent violation, be imprisoned for not less than 3 years nor more than 20 years, or fined under title 18, United States Code, or both;

''(C) in the case where the offense was committed for commercial advantage, profit, or private financial gain and involved 2 or more aliens other than the offender, be imprisoned for not less than 3 nor more than 20 years, or fined under title 18, United States Code, or both;

''(D) in the case where the offense furthers or aids the commission of any other offense against the United States or any State, which offense is punishable by imprisonment for more than 1 year, be imprisoned for not less than 5 nor more than 20 years, or fined under title 18, United States Code, or both;

''(E) in the case where any participant in the offense created a substantial risk of death or serious bodily injury to another person, including—

''(i) transporting a person in an engine compartment, storage compartment, or other confined space;

''(ii) transporting a person at an excessive speed or in excess of the rated capacity of the means of transportation; or

''(iii) transporting or harboring a person in a crowded, dangerous, or inhumane manner,

be imprisoned not less than 5 nor more than 20 years, or fined under title 18, United States Code, or both;

''(F) in the case where the offense caused serious bodily injury (as defined in section 1365 of title 18, United States Code, including any conduct that would violate sections 2241 or 2242 of title 18, United States Code, if the conduct occurred in the special maritime and territorial jurisdiction of the United States) to any person, be imprisoned for not less than 7 nor more than 30 years, or fined under title 18, United States Code, or both;

''(G) in the case where the offense involved an alien who the offender knew or had reason to believe was an alien—

''(i) engaged in terrorist activity (as defined in section 212(a)(3)(B)); or

''(ii) intending to engage in such terrorist activity,

be imprisoned for not less than 10 nor more than 30 years, or fined under title 18, United States Code, or both; and

''(H) in the case where the offense caused or resulted in the death of any person, be punished by death or imprisoned for not less than 10 years, or any term of years, or for life, or fined under title 18, United States Code, or both.

''(3) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over the offenses described in this subsection.

''(b) EMPLOYMENT OF UNAUTHORIZED ALIENS.—

''(1) IN GENERAL.—Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens described in paragraph (2), shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both.

''(2) ALIEN DESCRIBED.—A alien described in this paragraph is an alien who—

''(A) is an unauthorized alien (as defined in section 274A(h)(3)); and

''(B) has been brought into the United States in violation of subsection (a).

''(c) SEIZURE AND FORFEITURE.—

''(1) IN GENERAL.—Any property, real or personal, that has been used to commit or facilitate the commission of a violation of this section, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

''(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this subsection shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security.

''(d) AUTHORITY TO ARREST.—No officer or person shall have authority to make any arrests for a violation of any provision of this section except officers and employees designated by the Secretary of Homeland Security, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws.

''(e) ADMISSIBILITY OF EVIDENCE.—

''(1) PRIMA FACIE EVIDENCE IN DETERMINATIONS OF VIOLATIONS.—Notwithstanding any provision of the Federal Rules of Evidence, in determining whether a violation of subsection (a) has occurred, any of the following shall be prima facie evidence that an alien involved in the violation lacks lawful authority to come to, enter, reside, remain, or be in the United States or that such alien had come to, entered, resided, remained or been present in the United States in violation of law:

''(A) Any order, finding, or determination concerning the alien's status or lack thereof made by a federal judge or administrative adjudicator (including an immigration judge or an immigration officer) during any judicial or administrative proceeding authorized under the immigration laws or regulations prescribed thereunder.

''(B) An official record of the Department of Homeland Security, Department of Justice, or the Department of State concerning the alien's status or lack thereof.

''(C) Testimony by an immigration officer having personal knowledge of the facts concerning the alien's status or lack thereof.

''(2) VIDEOTAPED TESTIMONY.—Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unavailable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination at the deposition and the deposition otherwise complies with the Federal Rules of Evidence.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'lawful authority' means permission, authorization, or license that is expressly provided for in the immigration laws of the United States or the regulations prescribed thereunder. Such term does not include any such authority secured by fraud or otherwise obtained in violation of law, nor does it include authority that has been sought but not approved. No alien shall be deemed to have lawful authority to come to, enter, reside, remain, or be in the United States if such coming to, entry, residence, remaining, or presence was, is, or would be in violation of law.

''(2) The term 'unlawful transit' means travel, movement, or temporary presence that violates the laws of any country in which the alien is present, or any country from which or to which the alien is traveling or moving.''.

(b) CLERICAL AMENDMENT.—The item relating to section 274 in the table of contents of such Act is amended to read as follows:

''Sec. 274. Alien smuggling and related offenses.''.

SEC. 502. EVASION OF INSPECTION OR VIOLATION OF ARRIVAL, REPORTING, ENTRY, OR CLEARANCE REQUIREMENTS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 27 of title 18, United States Code, is amended by adding at the end a new section as follows:

''§ 554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements

''(a) PROHIBITION.—A person shall be punished as described in subsection (b) if such person—

''(1) attempts to elude or eludes customs, immigration, or agriculture inspection or fails to stop at the command of an officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States at a port of entry or customs or immigration checkpoint; or

''(2) intentionally violates an arrival, reporting, entry, or clearance requirement of—

''(A) section 107 of the Federal Plant Pest Act (7 U.S.C. 105ff);

''(B) section 10 of the Act of August 20, 1912 (7 U.S.C. 164(a));

''(C) section 7 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2806);

''(D) the Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213);

''(E) section 431, 433, 434, or 459 of the Tariff Act of 1930 (19 U.S.C. 1431, 1433, 1434, and 1459);

''(F) section 10 of the Act of August 20, 1890 (21 U.S.C. 105);

''(G) section 2 of the Act of February 2, 1903 (21 U.S.C. 111);

''(H) section 4197 of the Revised Statutes (46 U.S.C. App. 91); or

''(I) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(b) PENALTIES.—A person who commits an offense described in subsection (a) shall be—

''(1) fined under this title;

''(2)(A) imprisoned for not more than 5 years, or both;

''(B) imprisoned for not more than 10 years, or both, if in commission of this violation, attempts to inflict or inflicts bodily injury (as defined in section 1365(g) of this title); or

''(C) imprisoned for any term of years or for life, or both, if death results, and may be sentenced to death; or

''(3) both fined and imprisoned under this subsection.

''(c) CONSPIRACY.—If 2 or more persons conspire to commit an offense described in subsection (a), and 1 or more of such persons do any act to effect the object of the conspiracy, each shall be punishable as a principal, except that the sentence of death may not be imposed.

''(d) PRIMA FACIE EVIDENCE.—For the purposes of seizure and forfeiture under applicable law, in the case of use of a vehicle or other conveyance in the commission of this offense, or in the case of disregarding or disobeying the lawful authority or command of any officer or employee of the United States under section 111(b) of this title, such conduct shall constitute prima facie evidence of smuggling aliens or merchandise.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 27 of title 18, United States Code, is amended by inserting at the end:

''554. Evasion of inspection or during violation of arrival, reporting, entry, or clearance requirements.''.

(b) FAILURE TO OBEY BORDER ENFORCEMENT OFFICERS.—Section 111 of title 18, United States Code, is amended by inserting after subsection (b) the following:

''(c) FAILURE TO OBEY LAWFUL ORDERS OF BORDER ENFORCEMENT OFFICERS.—Whoever willfully disregards or disobeys the lawful authority or commend of any officer or employee of the United States charged with enforcing the immigration, customs, or other laws of the United States while engaged in, or on account of, the performance of official duties shall be fined under this title or imprisoned for not more than 5 years, or both.''.

SEC. 503. IMPROPER ENTRY BY, OR PRESENCE OF, ALIENS.

(a) IN GENERAL.—Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in the section heading, by inserting ''**UNLAWFUL PRESENCE**;'' after ''**IMPROPER TIME OR PLACE;**'';

(2) in subsection (a)—

(A) by striking ''Any alien'' and inserting ''Except as provided in subsection (b), any alien'';

(B) by striking ''or'' before (3);

(C) by inserting after ''concealment of a material fact,'' the following: ''or (4) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder,''; and

(D) by striking ''6 months'' and inserting ''one year'';

(3) by amending subsection (c) to read as follows:

''(c)(1) Whoever—

''(A) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

''(B) knowingly misrepresents the existence or circumstances of a marriage—

''(i) in an application or document arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder, or

''(ii) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals);

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

''(2) Whoever—

''(A) knowingly enters into two or more marriages for the purpose of evading any provision of the immigration laws; or

''(B) knowingly arranges, supports, or facilitates two or more marriages designed or intended to evade any provision of the immigration laws;

shall be fined under title 18, United States Code, imprisoned not less than 2 years nor more than 20 years, or both.

''(3) An offense under this subsection continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

''(4) For purposes of this section, the term 'proceeding' includes an adjudication, interview, hearing, or review.''

(4) in subsection (d)—

(A) by striking ''5 years'' and inserting ''10 years'';

(B) by adding at the end the following: ''An offense under this subsection continues until the fraudulent nature of the commercial enterprise is discovered by an immigration officer.''; and

(5) by adding at the end the following new subsections:

''(e)(1) Any alien described in paragraph (2)—

''(A) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both, if the offense described in such paragraph was committed subsequent to a conviction or convictions for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony;

''(B) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 30 months or more, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

''(C) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 60 months or more, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

''(2) An alien described in this paragraph is an alien who—

''(A) enters or attempts to enter the United States at any time or place other than as designated by immigration officers;

''(B) eludes examination or inspection by immigration officers;

''(C) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact; or

''(D) is otherwise present in the United States in violation of the immigration laws or the regulations prescribed thereunder.

''(3) The prior convictions in subparagraph (A), (B), or (C) of paragraph (1) are elements of those crimes and the penalties in those subparagraphs shall apply only in cases in which the conviction (or convictions) that form the basis for the additional penalty are alleged in the indictment or information and are proven beyond a reasonable doubt at trial or admitted by the defendant in pleading guilty. Any admissible evidence may be used to show that the prior conviction is a qualifying crime, and the criminal trial for a violation of this section shall not be bifurcated.

''(4) An offense under subsection (a) or paragraph (1) of this subsection continues until the alien is discovered within the United States by immigration officers.

''(f) For purposes of this section, the term 'attempts to enter' refers to the general intent of the alien to enter the United States and does not refer to the intent of the alien to violate the law.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to limit the authority of any State or political subdivision therein to enforce criminal trespass laws against aliens whom a law enforcement agency has verified to be present in the United States in violation of this Act or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 504. FEES AND EMPLOYER COMPLIANCE FUND.

(a) EQUAL ACCESS TO JUSTICE FEES.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

''(w) FEES AND COSTS.—The provisions of section 2412, title 28, United States Code, shall not apply to civil actions arising under or related to the immigration laws, including any action under—

''(1) any provision of title 5, United States Code;

''(2) any application for a writ of habeas corpus under section 2241 of title 28, United States Code, or any other habeas corpus provision; or

''(3) any action under section 1361 or 1651 of title 28, United States Code, that involves or is related to the enforcement or administration of the immigration laws with respect to any person or entity.''.

(b) EMPLOYER COMPLIANCE FUND.—

(1) ESTABLISHMENT.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), as amended by subsection (a), is further amended by adding at the end the following new subsection:

''(x) EMPLOYER COMPLIANCE FUND.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund')

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all monetary penalties collected by the Secretary of Homeland Security under section 274A.

''(3) USE OF FUNDS.—Amounts deposited into the Fund shall be used by the Secretary of Homeland Security for the purposes of enhancing employer compliance with section 274A, compliance training, and outreach.

''(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.''.

(2) CONFORMING AMENDMENT.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), as amended by section 431(b), is further amended by adding at the end the following new subsection:

''(j) DEPOSITS OF AMOUNTS RECEIVED.—Amounts collected under this section shall be deposited by the Secretary of Homeland Security into the Employer Compliance Fund established under section 286(x).''.

SEC. 505. REENTRY OF REMOVED ALIEN.

(a) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking all that follows ''United States'' the first place it appears and inserting a comma;

(B) in the matter following paragraph (2), by striking ''imprisoned not more than 2 years,'' and inserting ''imprisoned for a term of not less than 1 year and not more than 2 years,''; and

(C) by adding at the end the following: ''It shall be an affirmative defense to an offense under this subsection that (A) prior to an alien's reembarkation at a place outside the United States or an alien's application for admission from foreign contiguous territory, the Secretary of Homeland Security has expressly consented to the alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, such alien was not required to obtain such advance consent under this Act or any prior Act.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''imprisoned not more than 10 years,'' and insert ''imprisoned for a term of not less than 5 years and not more than 10 years,'';

(B) in paragraph (2), by striking ''imprisoned not more than 20 years,'' and insert ''imprisoned for a term of not less than 10 years and not more than 20 years,'';

(C) in paragraph (3), by striking ''. or'' and inserting ''; or'';

(D) in paragraph (4), by striking ''imprisoned for not more than 10 years,'' and insert ''imprisoned for a term of not less than 5 years and not more than 10 years,''; and

(E) by adding at the end the following: ''The prior convictions in paragraphs (1) and (2) are elements of enhanced crimes and the penalties under such paragraphs shall apply only where the conviction (or convictions) that form the basis for the additional penalty are alleged in the indictment or information and are proven beyond a reasonable doubt at trial or admitted by the defendant in pleading guilty. Any admissible evidence may be used to show that the prior conviction is a qualifying crime and the criminal trial for a violation of either such paragraph shall not be bifurcated.'';

(3) in subsections (b)(3), (b)(4), and (c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears;

(4) in subsection (c)—

(A) by inserting ''(as in effect before the effective date of the amendments made by section 305 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 110 Stat. 3009-597)), or removed under section 241(a)(4),'' after ''242(h)(2)'';

(B) by striking ''(unless the Attorney General has expressly consented to such alien's reentry)'';

(C) by inserting ''or removal'' after ''time of deportation''; and

(D) by inserting ''or removed'' after ''reentry of deported'';

(5) in subsection (d)—

(A) in the matter before paragraph (1), by striking ''deportation order'' and inserting ''deportation or removal order''; and

(B) in paragraph (2), by inserting ''or removal'' after ''deportation''; and

(6) by adding at the end the following new subsection:

''(e) For purposes of this section, the term 'attempts to enter' refers to the general intent of the alien to enter the United States and does not refer to the intent of the alien to violate the law.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to criminal proceedings involving aliens who enter, attempt to enter, or are found in the United States, after such date.

SEC. 506. CIVIL AND CRIMINAL PENALTIES FOR DOCUMENT FRAUD, BENEFIT FRAUD, AND FALSE CLAIMS OF CITIZENSHIP.

(a) CIVIL PENALTIES FOR DOCUMENT FRAUD.—Section 274C(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1324c(d)(3)) is amended—

(1) in subparagraph (A), by striking ''$250 and not more than $2,000'' and inserting ''$500 and not more than $4,000''; and

(2) in subparagraph (B), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000''.

(b) FRAUD AND FALSE STATEMENTS.—Chapter 47 of title 18, United States Code, is amended—

(1) in section 1015, by striking ''not more than 5 years'' and inserting ''not more than 10 years''; and

(2) in section 1028(b)—

(A) in paragraph (1), by striking ''15 years'' and inserting ''20 years'';

(B) in paragraph (2), by striking ''5 years'' and inserting ''6 years'';

(C) in paragraph (3), by striking ''20 years'' and inserting ''25 years''; and

(D) in paragraph (6), by striking ''one year'' and inserting ''2 years''.

(c) DOCUMENT FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''not more than 25 years'' and inserting ''not less than 25 years''

(B) by inserting ''and if the terrorism offense resulted in the death of any person, shall be punished by death or imprisoned for life,'' after ''section 2331 of this title)),'';

(C) by striking ''20 years'' and inserting ''imprisoned not more than 40 years'';

(D) by striking ''10 years'' and inserting ''imprisoned not more than 20 years''; and

(E) by striking ''15 years'' and inserting ''imprisoned not more than 25 years''; and

(2) in subsection (b), by striking ''5 years'' and inserting ''10 years''.

(d) CRIMES OF VIOLENCE.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 51 the following:

''CHAPTER 52—ILLEGAL ALIENS

''§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

''(a) Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking crime (as such terms are defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

''(b) If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

''(c) A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.''.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

''52. Illegal aliens ..... 1131''.

SEC. 507. RENDERING INADMISSIBLE AND DEPORTABLE ALIENS PARTICIPATING IN CRIMINAL STREET GANGS.

(a) INADMISSIBLE.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(J) CRIMINAL STREET GANG PARTICIPATION.—

''(i) IN GENERAL.—Any alien is inadmissible if—

''(I) the alien has been removed under section 237(a)(2)(F); or

''(II) the consular officer or the Secretary of Homeland Security knows, or has reasonable ground to believe that the alien—

''(aa) is a member of a criminal street gang and has committed, conspired, or threatened to commit, or seeks to enter the United States to engage solely, principally, or incidentally in, a gang crime or any other unlawful activity; or

''(bb) is a member of a criminal street gang designated under section 219A.

''(ii) DEFINITIONS.—In this subparagraph:

''(I) CRIMINAL STREET GANG.—The term 'criminal street gang' means an ongoing group, club organization or informal association of 5 or more persons who engage, or have engaged within the past 5 years in a continuing series of 3 or more gang crimes (1 of which is a crime of violence, as defined in section 16 of title 18, United States Code).

''(II) GANG CRIME.—The term 'gang crime' means conduct constituting any Federal or State crime, punishable by imprisonment for 1 year or more, in any of the following categories:

''(aa) A crime of violence (as defined in section 16 of title 18, United States Code).

''(bb) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

''(cc) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

''(dd) Any conduct punishable under section 844 of title 18, United States Code (relating to explosive materials), subsection (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of such title) or is a serious drug offense (as defined in section 924(e)(2)(A)), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 of such title (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 of such title (relating to penalties), section 930 of such title (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 of such title (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 of such title (relating to fraud and related activity in connection with identification documents or access devices), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

''(ee) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of this Act.''.

(b) DEPORTABLE.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) CRIMINAL STREET GANG PARTICIPATION.—

''(i) IN GENERAL.—An alien is deportable if the alien—

''(I) is a member of a criminal street gang and is convicted of committing, or conspiring, threatening, or attempting to commit, a gang crime; or

''(II) is determined by the Secretary of Homeland Security to be a member of a criminal street gang designated under section 219A.

''(ii) DEFINITIONS.—For purposes of this subparagraph, the terms 'criminal street gang' and 'gang crime' have the meaning given such terms in section 212(a)(2)(J)(ii).''.

(c) DESIGNATION OF CRIMINAL STREET GANGS.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

''SEC. 219A. DESIGNATION OF CRIMINAL STREET GANGS.

''(a) DESIGNATION.—

''(1) IN GENERAL.—The Attorney General is authorized to designate a group or association as a criminal street gang in accordance with this subsection if the Attorney General finds that the group or association meets the criteria described in section 212(a)(2)(J)(ii)(I).

''(2) PROCEDURE.—

''(A) NOTICE.—

''(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Attorney General shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate a group or association under this subsection, together with the findings made under paragraph (1) with respect to that group or association, and the factual basis therefore.

''(ii) PUBLICATION IN FEDERAL REGISTER.—The Attorney General shall publish the designation in the Federal Register 7 days after providing the notification under clause (i).

''(B) EFFECT OF DESIGNATION.—A designation under this subsection shall take effect upon publication under subparagraph (A)(ii).

''(3) RECORD.—In making a designation under this subsection, the Attorney General shall create an administrative record.

''(4) PERIOD OF DESIGNATION.—

''(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (b).

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Attorney General shall review the designation of a criminal street gang under the procedures set forth in clauses (iii) and (iv) if the designated gang or association files a petition for revocation within the petition period described in clause (ii).

''(ii) PETITION PERIOD.—For purposes of clause (i)—

''(I) if the designated gang or association has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

''(II) if the designated gang or association has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

''(iii) PROCEDURES.—Any criminal street gang that submits a petition for revocation under this subparagraph shall provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the gang is warranted.

''(iv) DETERMINATION..—

''(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination as to such revocation.

''(II) PUBLICATION OF DETERMINATION.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

''(III) PROCEDURES.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Attorney General shall review the designation of the criminal street gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

''(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

''(iii) PUBLICATION OF RESULTS OF REVIEW.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

''(5) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

''(A) IN GENERAL.—The Attorney General may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (b) and (c) of paragraph (4) if the Attorney General finds that—

''(i) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation; or

''(ii) the national security of the United States warrants a revocation.

''(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

''(6) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

''(7) USE OF DESIGNATION IN HEARING.—If a designation under this subsection has become effective under paragraph (2)(B), an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection at any hearing.

''(b) JUDICIAL REVIEW OF DESIGNATION.—

''(1) IN GENERAL.—Not later than 60 days after publication of the designation in the Federal Register, a group or association designated as a criminal street gang may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

''(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record.

''(3) SCOPE OF REVIEW.—The court shall hold unlawful and set aside a designation the court finds to be—

''(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

''(B) contrary to constitutional right, power, privilege, or immunity;

''(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

''(D) lacking substantial support in the administrative record taken as a whole; or

''(E) not in accord with the procedures required by law.

''(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

''(c) RELEVANT COMMITTEE DEFINED.—As used in this section, the term 'relevant committees' means the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 219 the following:

''Sec. 219A. Designation of criminal street gangs.''.

SEC. 508. MANDATORY DETENTION OF SUSPECTED CRIMINAL STREET GANG MEMBERS.

(a) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(1) by inserting ''or 212(a)(2)(J)'' after ''212(a)(3)(B)''; and

(2) by inserting ''or 237(a)(2)(F)'' before ''237(a)(4)(B)''.

(b) ANNUAL REPORT.—Not later than March 1 2007, and annually thereafter, the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the number of aliens detained under the amendments made by subsection (a).

SEC. 509. INELIGIBILITY FOR ASYLUM AND PROTECTION FROM REMOVAL.

(a) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting ''who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) or who is'' after ''to an alien''.

(b) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) in clause (v), by striking ''or'' at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

''(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) (relating to participation in criminal street gangs); or''.

(c) DENIAL OF REVIEW OF DETERMINATION OF INELIGIBILITY FOR TEMPORARY PROTECTED STATUS.—Section 244(c)(2) of such Act (8 U.S.C. 1254a(c)(2)) is amended by adding at the end the following:

''(C) LIMITATION ON JUDICIAL REVIEW.—There shall be no judicial review of any finding under subparagraph (B) that an alien is described in section 208(b)(2)(A)(vi).''.

SEC. 510. PENALTIES FOR MISUSING SOCIAL SECURITY NUMBERS OR FILING FALSE INFORMATION WITH SOCIAL SECURITY ADMINISTRATION.

(a) MISUSE OF SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(A) in paragraph (7), by adding after subparagraph (C) the following:

''(D) with intent to deceive, discloses, sells, or transfers his own social security account number, assigned to him by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 205(c)(2) to establish and maintain records), to any person; or'';

(B) in paragraph (8), by adding ''or'' at the end; and

(C) by inserting after paragraph (8) the following:

''(9) without lawful authority, offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number that purports to be a social security account number;

''(10) willfully acts or fails to act so as to cause a violation of section 205(c)(2)(C)(xii);

''(11) being an officer or employee of any executive, legislative, or judicial agency or instrumentality of the Federal Government or of a State or political subdivision thereof, or a person acting as an agent of such an agency or instrumentality (or an officer or employee thereof or a person acting as an agent thereof) in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation of clause (vi)(II), (x), (xi), (xii), (xiii), or (xiv) of section 205(c)(2)(C); or

''(12) being a trustee appointed in a case under title 11, United States Code (or an officer or employee thereof or a person acting as an agent thereof), willfully acts or fails to act so as to cause a violation of clause (x) or (xi) of section 205(c)(2)(C).''.

(2) EFFECTIVE DATES.—Paragraphs (7)(D) and (9) of section 208(a) of the Social Security Act, as added by paragraph (1), shall apply with respect to each violation occurring after the date of the enactment of this Act. Paragraphs (10), (11), and (12) of section 208(a) of such Act, as added by paragraph (1)(C), shall apply with respect to each violation occurring on or after the effective date of this Act.

(b) REPORT ON ENFORCEMENT EFFORTS CONCERNING EMPLOYERS FILING FALSE INFORMATION RETURNS.—The Commissioner of Internal Revenue and the Commissioner of Social Security shall submit to Congress an annual report on efforts taken to identify and enforce penalties against employers that file incorrect information returns.

SEC. 511. TECHNICAL AND CLARIFYING AMENDMENTS.

(a) TERRORIST ACTIVITIES.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended—

(1) by striking ''Subclause (VII) of clause (i)'' and inserting ''Subclause (IX) of clause (i)''; and

(2) in subclause (II), by striking ''consular officer or Attorney General'' and inserting ''consular officer, Attorney General, or Secretary of Homeland Security''.

(b) CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.—Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

Subtitle B—Detention, Removal, and Departure

SEC. 521. VOLUNTARY DEPARTURE REFORM.

(a) ENCOURAGING ALIENS TO DEPART VOLUNTARILY.—

(1) AUTHORITY.—Subsection (a) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(A) by amending paragraph (1) to read as follows:

''(1) IN LIEU OF REMOVAL PROCEEDINGS.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, in lieu of being subject to proceedings under section 240, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4).'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3);

(D) by inserting after paragraph (1) the following new paragraph:

''(2) PRIOR TO THE CONCLUSION OF REMOVAL PROCEEDINGS.—After removal proceedings under section 240 are initiated, the Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection, prior to the

conclusion of such proceedings before an immigration judge, if the alien is not described in section 237(a)(2)(A)(iii) or section 237(a)(4).''; and

(E) in paragraph (4), by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

(2) VOLUNTARY DEPARTURE PERIOD.—Such section is further amended—

(A) in subsection (a)(3), as redesignated by paragraph (1)(C)—

(i) by amending subparagraph (A) to read as follows:

''(A) IN LIEU OF REMOVAL.—Subject to subparagraph (C), permission to depart voluntarily under paragraph (1) shall not be valid for a period exceeding 90 days. The Secretary of Homeland Security may require an alien permitted to depart voluntarily under paragraph (1) to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.'';

(ii) in subparagraph (B), by striking ''subparagraphs (C) and (D)(ii)'' and inserting ''subparagraphs (D) and (E)(ii)'';

(iii) in subparagraphs (C) and (D), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)'' each place it appears;

(iv) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(v) by inserting after subparagraph (A) the following new subparagraph:

''(B) PRIOR TO THE CONCLUSION OF REMOVAL PROCEEDINGS.—Permission to depart voluntarily under paragraph (2) shall not be valid for a period exceeding 60 days, and may be granted only after a finding that the alien has established that the alien has the means to depart the United States and intends to do so. An alien permitted to depart voluntarily under paragraph (2) must post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified. An immigration judge may waive posting of a voluntary departure bond in individual cases upon a finding that the alien has presented compelling evidence that the posting of a bond will be a serious financial hardship and the alien has presented credible evidence that such a bond is unnecessary to guarantee timely departure.''; and

(B) in subsection (b)(2), by striking ''60 days'' and inserting ''45 days''.

(3) VOLUNTARY DEPARTURE AGREEMENTS.—Subsection (c) of such section is amended to read as follows:

''(c) CONDITIONS ON VOLUNTARY DEPARTURE.—

''(1) VOLUNTARY DEPARTURE AGREEMENT.—Voluntary departure will be granted only as part of an affirmative agreement by the alien. A voluntary departure agreement under subsection (b) shall include a waiver of the right to any further motion, appeal, application, petition, or petition for review relating to removal or relief or protection from removal.

''(2) CONCESSIONS BY THE SECRETARY.—In connection with the alien's agreement to depart voluntarily under paragraph (1), the Secretary of Homeland Security in the exercise of discretion may agree to a reduction in the period of inadmissibility under subparagraph (A) or (B)(i) of section 212(a)(9).

''(3) FAILURE TO COMPLY WITH AGREEMENT AND EFFECT OF FILING TIMELY APPEAL.—If an alien agrees to voluntary departure under this section and fails to depart the United States within the time allowed for voluntary departure or fails to comply with any other terms of the agreement (including a failure to timely post any required bond), the alien automatically becomes ineligible for the benefits of the agreement, subject to the penalties described in subsection (d), and subject to an alternate order of removal if voluntary departure was granted under subsection (a)(2) or (b). However, if an alien agrees to voluntary departure but later files a timely appeal of the immigration judge's decision granting voluntary departure, the alien may pursue the appeal instead of the voluntary departure agreement. Such appeal operates to void the alien's voluntary departure agreement and the consequences thereof, but the alien may not again be granted voluntary departure while the alien remains in the United States.''.

(4) ELIGIBILITY.—Subsection (e) of such section is amended to read as follows:

''(e) ELIGIBILITY.—

''(1) PRIOR GRANT OF VOLUNTARY DEPARTURE.—An alien shall not be permitted to depart voluntarily under this section if the Secretary of Homeland Security or the Attorney General previously permitted the alien to depart voluntarily.

''(2) ADDITIONAL LIMITATIONS.—The Secretary of Homeland Security may by regulation limit eligibility or impose additional conditions for voluntary departure under subsection (a)(1) for any class or classes of aliens. The Secretary or Attorney General may by regulation limit eligibility or impose additional conditions for voluntary departure under subsection (a)(2) or (b) for any class or classes of aliens. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and section 1361 and 1651 of such title, no court may review any regulation issued under this subsection.''.

(b) AVOIDING DELAYS IN VOLUNTARY DEPARTURE.—

(1) ALIEN'S OBLIGATION TO DEPART WITHIN THE TIME ALLOWED.—Subsection (c) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

''(4) VOLUNTARY DEPARTURE PERIOD NOT AFFECTED.—Except as expressly agreed to by the Secretary of Homeland Security in writing in the exercise of the Secretary's discretion before the expiration of the period allowed for voluntary departure, no motion, appeal, application, petition, or petition for review shall affect, reinstate, enjoin, delay, stay, or toll the alien's obligation to depart from the United States during the period agreed to by the alien and the Secretary.''.

(2) NO TOLLING.—Subsection (f) of such section is amended by adding at the end the following new sentence: ''Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and section 1361 and 1651 of such title, no court shall have jurisdiction to affect, reinstate, enjoin, delay, stay, or toll the period allowed for voluntary departure under this section.''.

(c) PENALTIES FOR FAILURE TO DEPART VOLUNTARILY.—

(1) PENALTIES FOR FAILURE TO DEPART.—Subsection (d) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended to read as follows:

''(d) PENALTIES FOR FAILURE TO DEPART.—If an alien is permitted to depart voluntarily under this section and fails voluntarily to depart from the United States within the time period specified or otherwise violates the terms of a voluntary departure agreement, the following provisions apply:

''(1) CIVIL PENALTY.—

''(A) IN GENERAL.—The alien will be liable for a civil penalty of $3,000.

''(B) SPECIFICATION IN ORDER.—The order allowing voluntary departure shall specify the amount of the penalty, which shall be acknowledged by the alien on the record.

''(C) COLLECTION.—If the Secretary of Homeland Security thereafter establishes that the alien failed to depart voluntarily within the time allowed, no further procedure will be necessary to establish the amount of the penalty, and the Secretary may collect the civil penalty at any time thereafter and by whatever means provided by law.

''(D) INELIGIBILITY FOR BENEFITS.—An alien will be ineligible for any benefits under this title until any civil penalty under this subsection is paid.

''(2) INELIGIBILITY FOR RELIEF.—The alien will be ineligible during the time the alien remains in the United States and for a period of 10 years after the alien's departure for any further relief under this section and sections 240A, 245, 248, and 249.

''(3) REOPENING.—

''(A) IN GENERAL.—Subject to subparagraph (B), the alien will be ineligible to reopen a final order of removal which took effect upon the alien's failure to depart, or the alien's violation of the conditions for voluntary departure, during the period described in paragraph (2).

''(B) EXCEPTION.—Subparagraph (A) does not preclude a motion to reopen to seek withholding of removal under section 241(b)(3) or protection against torture.

''The order permitting the alien to depart voluntarily under this section shall inform the alien of the penalties under this subsection.''.

(2) IMPLEMENTATION OF EXISTING STATUTORY PENALTIES.—The Secretary of Homeland Security shall implement regulations to provide for the imposition and collection of penalties for failure to depart under section 240B(d) of the Immigration and Nationality Act, as amended by paragraph (1).

(d) VOLUNTARY DEPARTURE AGREEMENTS NEGOTIATED BY STATE OR LOCAL COURTS.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended by adding at the end the following new subsection:

''(g) VOLUNTARY DEPARTURE AGREEMENTS NEGOTIATED BY STATE OR LOCAL COURTS.—

''(1) IN GENERAL.—The Secretary of Homeland Security may permit an alien voluntarily to depart the United States at the alien's own expense under this subsection at any time prior to the scheduling of the first merits hearing, in lieu of applying for another form of relief from removal, if the alien—

''(A) is deportable under section 237(a)(1);

''(B) is charged in a criminal proceeding in a State or local court for which conviction would subject the alien to deportation under paragraphs (2) through (6) of section 237(a); and

''(C) has accepted a plea bargain in such proceeding which stipulates that the alien, after consultation with counsel in such proceeding—

''(i) voluntarily waives application for another form of relief from removal;

''(ii) consents to transportation, under custody of a law enforcement officer of the State or local court, to an appropriate international port of entry where departure from the United States will occur;

''(iii) possesses or will promptly obtain travel documents issued by the foreign state of which the alien is a national or legal resident; and

''(iv) possesses the means to purchase transportation from the port of entry to the foreign state to which the alien will depart from the United States.

''(2) REVIEW.—The Secretary shall promptly review an application for voluntary departure for compliance with the requirements of paragraph (1). The Secretary shall permit

voluntary departure under this subsection unless the State or local jurisdiction is informed in writing not later that 30 days after such application is filed, that the Secretary intends to seek removal under section 240.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to all orders granting voluntary departure under section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) made on or after the date that is 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (b)(2) shall take effect on the date of the enactment of this Act and shall apply with respect to any petition for review which is entered on or after such date.

SEC. 522. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.

(a) IN GENERAL.—

(1) BONDS.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:

''(2) may, upon an express finding by an immigration judge, that the alien is not a flight risk and is not a threat to the United States, release the alien on a bond—

''(A) of not less than $5,000 release an alien; or

''(B) if the alien is a national of Canada or Mexico, of not less than $3,000; or.''.

(2) CONFORMING AMENDMENT.—Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by inserting ''or the Secretary of Homeland Security'' after the ''Attorney General'' each place it appears.

(3) REPORT.—Not later than 2 years after the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the number of aliens who are citizens or nationals of a country other than Canada or Mexico who are apprehended along an international land border of the United States between ports of entry.

(b) DETENTION OF ALIENS DELIVERED BY BONDSMEN.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended by adding at the end the following new paragraph:

''(8) EFFECT OF PRODUCTION OF ALIEN BY BONDSMAN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall take into custody any alien subject to a final order of removal, and cancel any bond previously posted for the alien, if the alien is produced within the prescribed time limit by the obligor on the bond. The obligor on the bond shall be deemed to have substantially performed all conditions imposed by the terms of the bond, and shall be released from liability on the bond, if the alien is produced within such time limit.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and (b) shall take effect on the date of the enactment of this Act and the amendment made by subsection (b) shall apply to all immigration bonds posted before, on, or after such date.

SEC. 523. EXPEDITED REMOVAL.

(a) IN GENERAL.—Section 238 of the Immigration and Nationality Act (8 U.S.C. 1228) is amended—

(1) by striking the section heading and inserting ''EXPEDITED REMOVAL OF CRIMINAL ALIENS'';

(2) in subsection (a), by striking the subsection heading and inserting: ''EXPEDITED REMOVAL FROM CORRECTIONAL FACILITIES.—'';

(3) in subsection (b), by striking the subsection heading and inserting: ''REMOVAL OF CRIMINAL ALIENS.—'';

(4) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—The Secretary of Homeland Security may, in the case of an alien described in paragraph (2), determine the deportability of such alien and issue an order of removal pursuant to the procedures set forth in this subsection or section 240.

''(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien, whether or not admitted into the United States, was convicted of any criminal offense described in subparagraph (A)(iii), (C), or (D) of section 237(a)(2).'';

(5) in the subsection (c) that relates to presumption of deportability, by striking ''convicted of an aggravated felony'' and inserting ''described in subsection (b)(2)'';

(6) by redesignating the subsection (c) that relates to judicial removal as subsection (d); and

(7) in subsection (d)(5) (as so redesignated), by striking '', who is deportable under this Act,''.

(b) APPLICATION TO CERTAIN ALIENS.—

(1) IN GENERAL.—Section 235(b)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)(iii)) is amended—

(A) in subclause (I), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(B) by adding at the end the following new subclause:

''(III) EXCEPTION.—Notwithstanding subclauses (I) and (II), the Secretary of Homeland Security shall apply clauses (i) and (ii) of this subparagraph to any alien (other than an alien described in subparagraph (F)) who is not a national of a country contiguous to the United States, who has not been admitted or paroled into the United States, and who is apprehended within 100 miles of an international land border of the United States and within 14 days of entry.''.

(2) EXCEPTIONS.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended—

(A) by striking ''and who arrives by aircraft at a port of entry'' and inserting ''and—''; and

(B) by adding at the end the following:

''(i) who arrives by aircraft at a port of entry; or

''(ii) who is present in the United States and arrived in any manner at or between a port of entry.''.

(c) LIMIT ON INJUNCTIVE RELIEF.—Section 242(f)(2) of such Act (8 U.S.C. 1252(f)(2)) is amended by inserting ''or stay, whether temporarily or otherwise,'' after ''enjoin''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens apprehended or convicted on or after such date.

SEC. 524. REINSTATEMENT OF PREVIOUS REMOVAL ORDERS.

Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended to read as follows:

''(5) REINSTATEMENT OF PREVIOUS REMOVAL ORDERS.—

''(A) REMOVAL.—The Secretary of Homeland Security shall remove an alien who is an applicant for admission (other than an admissible alien presenting himself or herself for inspection at a port of entry or an alien paroled into the United States under section 212(d)(5)), after having been, on or after September 30, 1996, excluded, deported, or removed, or having departed voluntarily under an order of exclusion, deportation, or removal.

''(B) JUDICIAL REVIEW.—The removal described in subparagraph (A) shall not require any proceeding before an immigration judge, and shall be under the prior order of exclusion, deportation, or removal, which is not subject to reopening or review. The alien is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law, with the exception of sections 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates either an intention to apply for asylum under section 208 or a fear of persecution or torture.''.

SEC. 525. CANCELLATION OF REMOVAL.

Section 240A(c) of the Immigration and Nationality Act (8 U.S.C. 1229b(c)) is amended by adding at the end the following:

''(7) An alien who is inadmissible under section 212(a)(9)(B)(i).''.

SEC. 526. DETENTION OF DANGEROUS ALIEN.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1231) is amended—

(1) in subsection (a), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears;

(2) in subsection (a)(1)(B), by adding after clause (iii) the following:

''If, at that time, the alien is not in the custody of the Secretary (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary.''.

(3) by amending clause (ii) of subsection (a)(1)(B) to read as follows:

''(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.'';

(4) by amending subparagraph (C) of subsection (a)(1) to read as follows:

''(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.'';

(5) in subsection (a)(2), by adding at the end ''If a court orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary in the exercise of discretion may detain the alien during the pendency of such stay of removal.'';

(6) in subsection (a)(3), by amending subparagraph (D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or perform affirmative acts, that the Secretary prescribes for the alien, in order to prevent the alien from absconding, or for the protection of the community, or for other purposes related to the enforcement of the immigration laws.'';

(7) in subsection (a)(6), by striking ''removal period and, if released,'' and inserting ''removal period, in the discretion of the Secretary, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien'';

(8) by redesignating paragraph (7) of subsection (a) as paragraph (10) and inserting after paragraph (6) of such subsection the following new paragraphs:

''(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary, in the Secretary's discretion, may parole the alien under section 212(d)(5) of this Act and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, provided that in no circumstance shall such alien be considered admitted.

''(8) APPLICATION OF ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The rules set forth in subsection (j) shall only apply with respect to an alien who was lawfully admitted the most recent time the alien entered the United States or has otherwise effected an entry into the United States.

''(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraphs (6), (7), or (8) or subsection (j) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.''; and

(9) by adding at the end the following new subsection:

''(j) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—

''(1) APPLICATION.—The rules set forth in this subsection apply in the case of an alien described in subsection (a)(8).

''(2) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an administrative review process to determine whether the aliens should be detained or released on conditions for aliens who—

''(i) have made all reasonable efforts to comply with their removal orders;

''(ii) have complied with the Secretary's efforts to carry out the removal orders, including making timely application in good faith for travel or other documents necessary to the alien's departure; and

''(iii) have not conspired or acted to prevent removal.

''(B) DETERMINATION.—The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraphs (3) and (4). The determination—

''(i) shall include consideration of any evidence submitted by the alien and the history of the alien's efforts to comply with the order of removal; and

''(ii) may include any information or assistance provided by the Secretary of State or other Federal agency and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

''(3) AUTHORITY TO DETAIN BEYOND REMOVAL PERIOD.—

''(A) INITIAL 90-DAY PERIOD.—The Secretary of Homeland Security in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(B) EXTENSION.—

''(i) IN GENERAL.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90-day period authorized in subparagraph (A)—

''(I) until the alien is removed if the conditions described in subparagraph (A) or (B) of paragraph (4) apply; or

''(II) pending a determination as provided in subparagraph (C) of paragraph (4).

''(ii) RENEWAL.—The Secretary may renew a certification under paragraph (4)(B) every six months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under such paragraph.

''(iii) DELEGATION.—Notwithstanding section 103, the Secretary may not delegate the authority to make or renew a certification described in clause (ii), (iii), or (v) of paragraph (4)(B) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

''(iv) HEARING.—The Secretary may request that the Attorney General provide for a hearing to make the determination described in clause (iv)(II) of paragraph (4)(B).

''(4) CONDITIONS FOR EXTENSION.—The conditions for continuation of detention are any of the following:

''(A) The Secretary determines that there is a significant likelihood that the alien—

''(i) will be removed in the reasonably foreseeable future; or

''(ii) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien's failure or refusal to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspiracies or acts to prevent removal.

''(B) The Secretary certifies in writing any of the following:

''(i) In consultation with the Secretary of Health and Human Services, the alien has a highly contagious disease that poses a threat to public safety.

''(ii) After receipt of a written recommendation from the Secretary of State, the release of the alien is likely to have serious adverse foreign policy consequences for the United States.

''(iii) Based on information available to the Secretary (including available information from the intelligence community, and without regard to the grounds upon which the alien was ordered removed), there is reason to believe that the release of the alien would threaten the national security of the United States.

''(iv) The release of the alien will threaten the safety of the community or any person, the conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and—

''(I) the alien has been convicted of one or more aggravated felonies described in section 101(a)(43)(A) or of one or more crimes identified by the Secretary by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such crimes, for an aggregate term of imprisonment of at least five years; or

''(II) the alien has committed one or more crimes of violence and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future.

''(v) The release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony.

''(C) Pending a determination under subparagraph (B), if the Secretary has initiated the administrative review process no later than 30 days after the expiration of the removal period (including any extension of the removal period as provided in subsection (a)(1)(C)).

''(5) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary in the exercise of discretion may impose conditions on release as provided in subsection (a)(3).

''(6) REDETENTION.—The Secretary in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release or to cooperate in the alien's removal from the United States, or if, upon reconsideration, the Secretary determines that the alien can be detained under paragraph (1). Paragraphs (6) through (8) of subsection (a) shall apply to any alien returned to custody pursuant to this paragraph, as if the removal period terminated on the day of the redetention.

''(7) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry into the United States but has neither been lawfully admitted nor physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary in the exercise of discretion may decide not to apply subsection (a)(8) and this subsection and may detain the alien without any limitations except those imposed by regulation.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

SEC. 527. ALTERNATIVES TO DETENTION.

The Secretary of Homeland Security shall implement pilot programs in the 6 States with the largest estimated populations of deportable aliens to study the effectiveness of alternatives to detention, including electronic monitoring devices and intensive supervision programs, in ensuring alien appearance at court and compliance with removal orders.

SEC. 528. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

SA 3268. Mr. GREGG (for himself and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 324, after line 22, add the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(g) DIVERSITY VISA CARRYOVER.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)) is amended to read as follows:

''(II) An immigrant visa made available under subsection 203(c) for fiscal year 2007 or any subsequent fiscal year may be issued, or adjustment of status under section 245(a) may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment of status in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide levels set forth in section 201(e) for the fiscal year for which the alien was selected.''.

(h) EFFECTIVE DATE.—The amendments made by subsections (e) through (g) shall take effect on October 1, 2006.

SA 3269. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 5, strike ''$1,000'' and insert ''$5,000''.

On page 341, line 17, strike ''$1,000'' and insert ''$10,000''.

SA 3270. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 8, strike ''21'' and insert ''14''.

On page 341, line 17, strike ''21'' and insert ''14''.

SA 3271. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 5, strike ''$1,000'' and insert ''$5,000''.

On page 333, line 8, strike ''21'' and insert ''14''.

On page 341, strike line 17 and insert the following: ''least 21 years of age shall pay a fee of $10,000.''.

SA 3272. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 342, strike line 25 and all that follows through page 343, line 7, and insert the following: ''alien meets the requirements of section 312.''.

SA 3273. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 331, between lines 6 and 7, insert the following:

''(6) MEDICAL EXAMINATION.—An alien may not be granted conditional nonimmigrant status under this section unless the alien undergoes, at the alien's expense, an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

On page 341, strike line 23 and all that follows through page 342, line 2.

SA 3274. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 327, strike lines 2 through 6 and insert the following:

''(ii) business records; or

''(iii) remittance records.

SA 3275. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 326, strike lines 4 and 5 and insert the following:

''(2) EVIDENCE OF EMPLOYMENT.—An alien

On page 326, strike line 19 and all that follows through page 327, line 6.

SA 3276. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 334, strike line 7 and all that follows through ''(3)'' on line 16, and insert ''(2)''.

On page 334, line 21, strike ''(4)'' and insert ''(3)''.

SA 3277. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 337, strike line 19 and all that follows through ''(j)'' on page 338, line 23, and insert ''(i)''.

SA 3278. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 338, strike lines 19 through 22.

SA 3279. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 338, lines 17 and 18, strike '', when such information is requested in writing by such entity''.

SA 3280. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 338, beginning on line 17, strike '', when such'' and all that follows through line 22.

SA 3281. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 276, line 8, strike ''visa—'' and all that follows through line 12, and insert the following: ''visa by the alien's employer.''.

SA 3282. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 324, strike lines 1 through 17.

SA 3283. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. H–1B EMPLOYER FEE.

Section 214(c)(9)(B) (8 U.S.C. 1184(c)(9)(B)) is amended by striking ''$1,500'' and inserting ''$2,000''.

SA 3284. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. OFFICE OF INTERNAL CORRUPTION INVESTIGATION.

(a) INTERNAL CORRUPTION; BENEFITS FRAUD.—Section 453 of the Homeland Security Act of 2002 (6 U.S.C. 273) is amended—

(1) by striking ''the Bureau of'' each place it appears and inserting ''United States'';

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) establishing the Office of Internal Corruption Investigation, which shall—

''(A) receive, process, administer, and investigate criminal and noncriminal allegations of misconduct, corruption, and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to investigation by the Inspector General for the Department;

''(B) ensure that all complaints alleging any violation described in subparagraph (A) are handled and stored in a manner appropriate to their sensitivity;

''(C) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services, which relate to programs and operations for which the Director is responsible under this Act;

''(D) request such information or assistance from any Federal, State, or local governmental agency as may be necessary for carrying out the duties and responsibilities under this section;

''(E) require the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to carry out the functions under this section—

''(i) by subpoena, which shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States district court; or

''(ii) through procedures other than subpoenas if obtaining documents or information from Federal agencies;

''(F) administer to, or take from, any person an oath, affirmation, or affidavit, as necessary to carry out the functions under this section, which oath, affirmation, or affidavit, if administered or taken by or before an agent of the Office of Internal Corruption Investigation shall have the same force and effect as if administered or taken by or before an officer having a seal;

''(G) investigate criminal allegations and noncriminal misconduct;

''(H) acquire adequate office space, equipment, and supplies as necessary to carry out the functions and responsibilities under this section; and

''(I) be under the direct supervision of the Director.'';

(B) in paragraph (2), by striking ''and'' at the end;

(C) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(4) establishing the Office of Immigration Benefits Fraud Investigation, which shall—

''(A) conduct administrative investigations, including site visits, to address immigration benefit fraud;

''(B) assist United States Citizenship and Immigration Services provide the right benefit to the right person at the right time;

''(C) track, measure, assess, conduct pattern analysis, and report fraud-related data to the Director; and

''(D) work with counterparts in other Federal agencies on matters of mutual interest or information-sharing relating to immigration benefit fraud.''; and

(3) by adding at the end the following:

''(c) ANNUAL REPORT.—The Director, in consultation with the Office of Internal Corruption Investigations, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

''(1) the activities of the Office, including the number of investigations began, completed, pending, turned over to the Inspector General for criminal investigations, and turned over to a United States Attorney for prosecution; and

''(2) the types of allegations investigated by the Office during the 12-month period immediately preceding the submission of the report that relate to the misconduct, corruption, and fraud described in subsection (a)(1).''.

(b) USE OF IMMIGRATION FEES TO COMBAT FRAUD.—Section 286(v)(2)(B) (8 U.S.C. 1356(v)(2)(B)) is amended by adding at the end the following: ''Not less than 20 percent of the funds made available under this subparagraph shall be used for activities and functions described in paragraphs (1) and (4) of section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 273(a)).''.

SA 3285. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ___. NATIONAL CENTER FOR WELCOMING NEW AMERICANS.

(a) ESTABLISHMENT.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, may establish the National Center for Welcoming New Americans, an organization duly established at the University of Northern Iowa.

(b) PURPOSES.—The purposes of the National Center for Welcoming New Americans shall be—

(1) to promote the integration of new immigrants and refugees in communities, institutions, faith-based organizations, and workplaces;

(2) to provide training to new immigrants and refugees with respect to culturally appropriate social and health services;

(3) to create publications for new immigrants and refugees, United States citizens, and institutions; and

(4) to establish a national clearinghouse to collect and disseminate information relating to best practices in immigrant integration in the United States and abroad.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 3286. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 342, strike lines 3 through 21, and insert the following:

''(5) PAYMENT OF INCOME TAXES.—

''(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all applicable Federal income tax liability by establishing that—

''(i) no such tax liability exists;

''(ii) all outstanding liabilities have been paid; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of subparagraph (A), the term 'applicable Federal income tax liability' means liability for Federal income taxes owed for any year during the period of employment required by section 218D(b)(1)(B) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

On page 364, strike lines 6 through 25, and insert the following:

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all applicable Federal income tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term ''applicable Federal income tax liability'' means liability for Federal income taxes owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3287. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 326, between lines 3 and 4, insert the following:

''(2) PAYMENT OF INCOME TAXES.—

''(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all applicable Federal income tax liability by establishing that—

''(i) no such tax liability exists;

''(ii) all outstanding liabilities have been paid; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of subparagraph (A), the term 'applicable Federal income tax liability' means liability for Federal income taxes owed during the period of employment required by paragraph (1)(B) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

On page 342, strike lines 3 through 21, and insert the following:

''(5) PAYMENT OF INCOME TAXES.—

''(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all applicable Federal income tax liability by establishing that—

''(i) no such tax liability exists;

''(ii) all outstanding liabilities have been paid; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of subparagraph (A), the term 'applicable Federal income tax liability' means liability for Federal income taxes owed for any year during the period of employment required by section 218D(b)(1)(B) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

On page 364, strike lines 6 through 25, and insert the following:

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all applicable Federal income tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term ''applicable Federal income tax liability'' means liability for Federal income taxes owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3288. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 340, between lines 5 and 6, insert the following:

''(k) DEADLINE FOR APPLICATION.—

''(1) SCHEDULE TO ACCEPT APPLICATIONS.—Not later than 90 days after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security shall begin accepting and processing applications for conditional nonimmigrant work authorization and status under this section.

''(2) SCHEDULE FOR SUBMISSION OF APPLICATIONS.—The Secretary may not grant conditional nonimmigrant work authorization and status under this section to an alien unless the alien submits an application for such authorization and status during the 180-day period beginning on the date the Secretary begins accepting applications under paragraph (1).

''(l) AUTHORITY TO REMOVE.—Notwithstanding any other provision of law, an alien who is not lawfully present in the United States who does not submit an application for conditional nonimmigrant work authorization and status during the period described in subsection (k)(2) shall be subject to immediate removal from the United States.''.

SA 3289. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 333, line 5, strike ''a $1,000 fine.'' and insert ''a fine, as follows:

(i) For an alien submitting such application during the 60-day period beginning on the date the Secretary begins accepting such applications, the alien shall pay a fine of $1000.

(ii) For an alien submitting such application during the 30-day period beginning on the date the period described in clause (i) ends, the alien shall pay a fine of $2000.

(iii) For an alien submitting such application during the 30-day period beginning on the date the period described in clause (ii) ends, the alien shall pay a fine of $3000.

(iv) For an alien submitting such application during the 30-day period beginning on the date the period described in clause (iii) ends, the alien shall pay a fine of $4000.

(v) For an alien submitting such application after the date the period described in clause (iv) ends, the alien shall pay a fine of $5000.

SA 3290. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 32, between lines 5 and 6, insert the following:

(b) MOBILE IDENTIFICATION SYSTEM.—

(1) REQUIREMENT FOR SYSTEMS.—Not later than October 1, 2007, the Secretary shall deploy wireless, hand-held biometric identification devices, interfaced with United States Government immigration databases, at all United States ports of entry and along the international land borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2007 to carry out this subsection.

(3) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (2) shall remain available until expended.

SA 3291. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ESTABLISHMENT OF A NATIONAL PUBLIC ACHIEVEMENT PILOT PROGRAM FOR NEW IMMIGRANTS AND CROSS-CULTURAL UNDERSTANDING.

(a) FINDINGS.—Congress finds that—

(1) it is desirable to educate new immigrants about American civic rights and duties;

(2) fostering civic dialogue between new immigrants and American citizens will help to bring new immigrants into the fabric of the communities in which they live;

(3) for over 15 years, the Public Achievement program at the University of Minnesota has given people the opportunity to be producers and creators of their communities;

(4) through that program, participants have learned basic methods for becoming civically engaged citizens;

(5) the Public Achievement program was created in 1990 as a partnership between the city of St. Paul, Minnesota and the Center for Democracy and Citizenship at the Humphrey Institute of Public Affairs;

(6) as of the date of enactment of this Act, public achievement programs have been established in the States of Minnesota, New York, Colorado, Florida, New Hampshire, Wisconsin, California, and Missouri;

(7) internationally, the Public Achievement program (and similar programs) are active in Northern Ireland, Turkey, Palestine, Israel, Poland, Moldova, Ukraine, Romania, Bulgaria, Serbia, Macedonia, Albania, Kosovo, and Scotland;

(8) the Public Achievement program has been recognized nationally as a promising model of youth civic engagement by the National Commission on Civic Renewal and in the Civic Mission of Schools report by the Carnegie Corporation of New York and the Center for Information and Research on Civic Learning and Engagement (CIRCLE);

(9) the Public Achievement program model of civic engagement can serve as a valuable model for educating new immigrants about their civic rights and duties;

(10) working alongside American-born citizens to practice the skills of citizenship, new immigrants involved in public achievement programs will begin to understand and embrace American civic values;

(11) through public achievement programs, American citizens will put their values into action and gain understanding of and appreciation for new cultures; and

(12) through public work and reflection, immigrants and American citizens will form ideas about freedom, democracy, citizenship, and other ideals that are at the core of American society.

(b) ESTABLISHMENT.—The Director of the Bureau of Citizenship and Immigration Services shall establish a National Public Achievement Pilot Program for new immigrants and cross-cultural understanding that is carried out at elementary, middle, and high schools in the United States for the purposes described in subsection (c).

(c) PURPOSES.—The purposes of the National Public Achievement Pilot Program for new immigrants and cross-cultural understanding shall be—

(1) to develop civic skills and engage immigrants and American citizens in creative opportunities for enhancing public life;

(2) to promote sustained productive efforts between people of different backgrounds, views, and interests;

(3) to educate new immigrant groups regarding methods to become involved in local and national civics, while teaching others about the culture of such groups; and

(4) to enable American citizens and immigrants to work with civic, educational, community-based, and faith-based organizations dedicated to creating a broad culture of citizenship, civic renewal, and intercultural understanding.

SA 3292. Mr. COLEMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. _____. ACCESS FOR SHORT-TERM STUDY.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting ''Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section 101(a)(15) for a program that will not exceed 90 days, the fee shall not exceed $35.''.

(2) TECHNICAL AMENDMENTS.—Such section 641(e)(4)(A) is further amended—

(A) in the first sentence, by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(B) in the third sentence, by striking ''Attorney General's'' and inserting ''Secretary's''.

(b) RECREATIONAL COURSES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers in order to give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, so that a course of a duration no more than 1 semester (or its equivalent), and not awarding certification, license or degree, is considered recreational in nature for purposes of determining appropriateness for visitor status.

(c) LANGUAGE TRAINING PROGRAMS.—

(1) REQUIREMENT FOR ACCREDITATION.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i)) is amended by striking ''a language'' and inserting ''an accredited language''.

(2) REQUIREMENT FOR REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1). Such regulations shall—

(A) except as provided in subparagraphs (C) and (D), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) be accredited by an accrediting agency recognized by the Secretary of Education;

(B) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary with documentation regarding the specific subject matter for which the program is accredited;

(C) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program that is not accredited as described in subparagraph (A) during the 2-year period beginning on the date of the enactment of this Act; and

(D) permit a language training program established after the date of the enactment of this Act and that is not accredited as described in subparagraph (A) to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 2-year period beginning on the date such language training program is established.

SA 3293. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENHANCED PENALTIES FOR SLAVERY.

Chapter 77 of title 18, United States Code, is amended—

(1) in section 1581(a), by striking ''or if'' and inserting ''the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If'';

(2) in section 1583, by striking ''or if'' and inserting ''the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If'';

(3) in section 1584, by striking ''or if'' and inserting ''the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If'';

(4) in section 1589, by striking ''or if'' and inserting ''the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If'';

(5) in section 1590, by striking ''or if'' and inserting ''the defendant shall be fined under this title, punished by death or a term of imprisonment of not less than 10 years and not more than life, or both. If''; and

(6) in section 1591(b)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) if the offense resulted in the death of the victim, a fine under this title, death or imprisonment for not less than 30 years and not more than life, or both;''.

SA 3294. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON PAYMENT OF SOCIAL SECURITY BENEFITS BASED ON QUARTERS OF COVERAGE EARNED BY AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN OR NATIONAL WHILE THAT INIDIVIDUAL IS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

(a) IN GENERAL.—Section 213(a)(2)(B)(i) of the Social Security Act (42 U.S.C. 413(a)(2)(B)(i)) is amended—

(1) by striking ''and no quarter'' and inserting '', no quarter''; and

(2) by inserting before the semicolon the following: '', and no quarter any part of which includes wages paid to an individual or self-employment income earned by an individual while the individual was not assigned a social security account number consistent with the requirements of subclause (I) or (III) of section 205(c)(2)(B)(i) or was not described in section 214(c)(2) shall be a quarter of coverage''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications for benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) filed on or after the date of enactment of this Act.

SA 3295. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $500,000,000 for each of the fiscal years 2007 through 2011 to reimburse States that use the National Guard to secure their borders, provided that not more than $100,000,000 may be paid to any one State in a fiscal year. Not less than 20% of the money appropriated in any given year shall be available to states along the Northern border of the United States.

SA 3296. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUFFIEIENCY OF REVENUE FOR ENFORCEMENT.

Notwithstanding any other provision of law, any fee required to be paid pursuant to this Act or an amendment made by this Act, shall be deposited in a special account in the Treasury to be available to the Secretary to implement the provisions of this Act without further appropriations and shall remain available until expended.

SA 3297. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—BORDER HEALTH SECURITY

SEC. ___01. SHORT TITLE.

This Act may be cited as the ''Border Health Security Act of 2006''.

SEC. ___02. DEFINITIONS.

In this title:

(1) BORDER AREA.—The term ''border area'' has the meaning given the term ''United States-Mexico Border Area'' in section 8 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n–6).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. ___03. BORDER BIOTERRORISM PREPAREDNESS GRANTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, local government, tribal government, or public health entity.

(b) AUTHORIZATION.—From funds appropriated under subsection (e), the Secretary shall award grants to eligible entities for bioterrorism preparedness in the border area.

(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USES OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds to—

(1) develop and implement bioterror preparedness plans and readiness assessments and purchase items necessary for such plans;

(2) coordinate bioterrorism and emergency preparedness planning in the region;

(3) improve infrastructure, including syndrome surveillance and laboratory capacity;

(4) create a health alert network, including risk communication and information dissemination;

(5) educate and train clinicians, epidemiologists, laboratories, and emergency personnel; and

(6) carry out such other activities identified by the Secretary, the United States-Mexico Border Health Commission, State and local public health offices, and border health offices.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2007 and such sums as may be necessary for each succeeding fiscal year.

SEC. ___04. BORDER HEALTH DEMONSTRATION PROJECTS.

(a) ELIGIBLE ENTITY DEFINED.—In this section, the term ''eligible entity'' means a State, public institution of higher education, local government, tribal government, nonprofit health organization, or community health center receiving assistance under section 330 of the Public Health Service Act (42 U.S.C. 254b), that is located in the border area.

(b) AUTHORIZATION.—From funds appropriated under subsection (f), the Secretary, acting through the United States members of the United States-Mexico Border Health Commission, shall award grants to eligible entities to fund demonstration projects to address priorities and recommendations to improve the health of border area residents that are established by—

(1) the United States members of the United States-Mexico Border Health Commission;

(2) the State border health offices; and

(3) the Secretary.

(c) APPLICATION.—An eligible entity that desires a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—An eligible entity that receives a grant under subsection (b) shall use the grant funds for—

(1) demonstration programs relating to—

(A) maternal and child health;

(B) primary care and preventative health;

(C) public health and public health infrastructure;

(D) health promotion;

(E) oral health;

(F) behavioral and mental health;

(G) substance abuse;

(H) health conditions that have a high prevalence in the border area;

(I) medical and health services research;

(J) workforce training and development;

(K) community health workers or promotoras;

(L) health care infrastructure problems in the border area (including planning and construction grants);

(M) health disparities in the border area;

(N) environmental health;

(O) health education; and

(P) outreach and enrollment services with respect to Federal programs (including programs authorized under titles XIX and XXI of the Social Security Act (42 U.S.C. 1396 and 1397aa)); and

(2) other demonstration programs determined appropriate by the Secretary.

(e) SUPPLEMENT, NOT SUPPLANT.—Amounts provided to an eligible entity awarded a grant under subsection (b) shall be used to supplement and not supplant other funds available to the eligible entity to carry out the activities described in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each fiscal year.

SEC. ___05. PROVISION OF RECOMMEDATIONS AND ADVICE TO CONGRESS.

Section 5 of the United States-Mexico Border Health Commission Act (22 U.S.C. 290n-3) is amended by adding at the end the following:

''(d) PROVIDING ADVICE AND RECOMMENDATIONS TO CONGRESS.—A member of the Commission, or an individual who is on the staff of the Commission, may at any time provide advice or recommendations to Congress concering issues that are considered by the Commission. Such advice or recommendations may be provided whether or not a request for such is made by a member of Congress and regardless of whether the member or individual is authorized to provide such advice or recommendations by the Commission or any other Federal official.''.

SEC. ___06. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study concerning binational public health infrastructure and health insurance efforts. In conducting such study, the Institute shall solicit input from border health experts and health insurance issuers.

(b) REPORT.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit to the Secretary and the appropriate committees of Congress a report concerning the study conducted under such contract. Such report shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

SA 3298. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TEMPORARY ADMITTANCE OF MEXICAN NATIONALS WITH BORDER CROSSING CARDS.

The Secretary shall permit a national of Mexico, who enters the United States with a valid Border Crossing Card (as described in section 212.1(c)(1)(i) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act), and who is admitted to the United States at the Columbus, Santa Teresa, or Antelope Wells port of entry in New Mexico, to remain in New Mexico (within 75 miles of the international border between the United States and Mexico) for a period not to exceed 30 days.

SA 3299. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—

(1) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

''(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

''(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

''(B) the President transmits the text of such agreement to each House of the Congress as provided in paragraph (2), and

''(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

''(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

''(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title;

''(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law,

''(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated,

''(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title,

''(v) an estimate of the number of individuals who will be affected by the agreement,

''(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

''(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

''(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

''(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and _____ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of _____, transmitted to the Congress by the President on _____, is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to the Congress.

''(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

''(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the proceeding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to the Congress on or after April 1, 2006.

(b) BIENNIAL GAO REPORT ON IMPACT TOTALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)), as amended by subsection (a)(1), is amended by adding at the end the following new paragraph:

''(6) Not later than January 1, 2007, and biennially thereafter, the Comptroller General of the United States shall submit a report to Congress and the President with respect to each such agreement that has become effective that—

''(A) compares the estimates, statements, and assessments contained in the report submitted to Congress under paragraph (2) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on the estimated income and expenditures of the social security system established by this title; and

''(B) contains such recommendations for adjusting the methods used to make the estimates, statements, and assessments required for reports submitted under paragraph (2) as the Comptroller General determines necessary.''.

SA 3300. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 221 of the amendment, strike line 23 and all that follows through page 225, line 16 and insert the following:

SEC. 401. STUDY AND REPORT ON IMMIGRATION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, titles IV, V, and VI shall not take effect until the date that is 30 days after the date that the report required by subsection (c)(3) is submitted to the appropriate congressional committees.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives.

(c) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study of—

(A) the impacts to the infrastructure of the United States and quality of life of the people of the United States of—

(i) policies related to the admission of aliens to the United States and to changes in immigration status of aliens in the United States; and

(ii) the entry of aliens into the United States illegally; and

(B) the changes to such impacts that may result from any proposal to increase in the number of such admissions, changes in immigration status, or entries.

(2) CONSULTATION.—The Secretary shall consult with the Secretaries of Agriculture, Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, the Interior, Justice, Labor, Transportation, and the Treasury and the Administrator of the Environmental Protection Agency in conducting the study required by paragraph (1).

(3) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report, after the Comptroller General of the United States has reviewed such report, on the findings of the study required by paragraph (1). The report shall include the following:

(A) An estimate of the populations of legal and illegal immigrants in the United States as a percentage of the total population of the United States, and the manner in which the provisions of this Act and any amendments made by this Act may affect such percentage.

(B) The projected impact of legal and illegal immigration on the size of the total population of the United States during the 50-year period beginning on the date of enactment of this Act, including such impact to the regions of the United States that are likely to experience the largest increases in immigration and the manner in which the provisions of this Act and any amendments made by this Act may affect such impact.

(C) An assessment of the impacts of the admission of aliens to the United States, and the entry of aliens into the United States illegally, as of the date of enactment of this Act, and an assessment of the changes to such impacts that may result from the provisions of this Act and any amendments made by this Act that increase the number of such admissions, with respect to each of the following:

(i) The natural environment of the United States, including the consumption of nonrenewable resources, waste production and disposal, the emission of pollutants, and the loss of habitat and productive farmland, including an estimate of the public expenditures required to maintain standards in each such area, and the degree to which standards will deteriorate if such expenditures are not made.

(ii) The rates of employment and wages in the United States, particularly in industries that historically have employed large numbers of alien workers, and an estimate of the public costs associated with any decrease to such rates.

(iii) The need for additions and improvements to the transportation infrastructure of the United States, an estimate of the public expenditures required to meet such need,

and the impact on the mobility of people in the United States if such expenditures are not made.

(iv) The quality of education in the United States, including the ability to enroll in school, and to maintain class size, teacher-student ratios, and the quality of education in public schools, an estimate of the public expenditures required to maintain median standards in such areas, and the degree to which such standards will deteriorate if such expenditures are not made.

(v) The rates of homeownership, cost of housing, and the demand for low-income and subsidized housing in the United States, the public expenditures required to maintain median standards in such areas, and the degree to which such standards will deteriorate if such expenditures are not made.

(vi) The cost of health care and health insurance and the ability to access to quality health care in the United States, an estimate of the public expenditures required to maintain median standards in such areas, and the degree to which such standards will deteriorate if such expenditures are not made.

(vii) The effectiveness of the criminal justice system in the United States and an estimate of the public expenditures associated with the criminal justice system.

(D) The comments of the Comptroller General of the United States.

SA 3301. Ms. CANTWELL (for herself, Mr. CRAPO, Mr. JEFFORDS, Mr. CRAIG, Mrs. MURRAY, Mr. BAUCUS, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall establish and carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred.

(2) RELATION WITH SOUTHWESTERN BORDER PROSECUTION INITIATIVE.—The program established in paragraph (1) shall—

(A) be modeled after the Southwestern Border Prosecution Initiative; and

(B) serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program established in subsection (a) shall be—

(1) provided in the form of direct reimbursements; and

(2) allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity under this section may be used by the entity for any lawful purpose, including:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) CASE DISPOSITION.—The term ''case disposition''—

(A) for purposes of the Northern Border Prosecution Initiative, refers to the time between the arrest of a suspect and the resolution of the criminal charges through a county or State judicial or prosecutorial process; and

(B) does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

(2) ELIGIBLE NORTHERN BORDER ENTITY.—The term ''eligible northern border entity'' means—

(A) the States of Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(3) FEDERALLY DECLINED-REFERRED.—The term ''federally declined-referred''—

(A) means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer such investigation to a State or local jurisdiction for possible prosecution; and

(B) includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) FEDERALLY INITIATED.—The term ''federally initiated'' means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multi-jurisdictional task forces.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years thereafter.

SA 3302. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 286, between lines 21 and 22, insert the following new section:

SEC. 412. GLOBAL HEALTHCARE COOPERATION.

(a) GLOBAL HEALTHCARE COOPERATION.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

''SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTHCARE IN DEVELOPING COUNTRIES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien to reside in a candidate country during the period the eligible alien is working as a health care worker in a candidate country and the eligible alien and the spouse or child of the eligible alien who are absent from the United States during the period the eligible alien is working as a health care worker in a candidate country, shall be considered, during such period—

''(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

''(2) to meet the continuous residency requirements under section 316(b).

''(b) DEFINITIONS.—In this section:

''(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines is—

''(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

''(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved; or

''(C) qualifies to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

''(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

''(A) has been lawfully admitted to the United States for permanent residence;

''(B) is a health care worker; and

''(C) demonstrates an ability and willingness to reside in certain candidate countries and work as a health care professional.

''(c) FAMILY MEMBERS.—Notwithstanding any other provision of this Act, an eligible alien and the spouse or child of an eligible alien may—

''(1) reside outside the United States during the time the eligible alien is working as a health care professional in a candidate country; and

''(2) reenter the United States.

''(d) DURATION.—

''(1) IN GENERAL.—Except as provided under paragraph (2), an eligible alien may work in a candidate country as described in subsection (a) for a period of not more than 24 months.

''(2) EXTENSION OF TIME.—The Secretary of Homeland Security may extend the 24-month period referred to in paragraph (1) if the Secretary determines that—

''(A) the extension is in the national interest of the United States; or

''(B) other extraordinary circumstances warrant the extension.

''(e) CONSULTATION WITH THE SECRETARY OF STATE.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this subsection.

''(f) PUBLICATION.—The Secretary of State shall publish—

''(1) not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, a list of candidate countries; and

''(2) an amendment to such list at any time to include any country that qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).''.

(b) TABLE OF CONTENTS.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 317 the following:

''Sec. 317A. Temporary absence of persons participating in the Global Healthcare Cooperation Program.''.

(c) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section and the amendments made by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Bureau of Citizenship and Immigration Services for each of the fiscal years 2007 and 2008, such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 413. ATTESTATION BY HEALTH CARE WORKERS.

Section 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following new subparagraph:

''(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

''(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a health care worker, including a physician, is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period that the alien is obligated to perform labor as a health care worker in another country, such as an obligation undertaken in a contract of service agreed to as part of the alien's education or training.

''(ii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that an obligation under clause (i) was incurred involuntarily, under coercion, or in other extraordinary circumstances.''.

SA 3303. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 99, strike lines 12 through 16 and insert the following:

''(4) ATTEMPT.—Whoever attempts to commit

SA 3304. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 273, strike lines 14 through 17 and insert the following:

(1) in subparagraph (A)(ix) (as added by section 508(c)(1)(B)(ii)), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(C) under section 101(a)(15)(H)(ii)(a) may not exceed 90,000; and

''(D) under section 101(a)(15)(H)(ii)(c)

SA 3305. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 99, strike lines 12 through 15 and insert the following:

''(4) DURATION OF OFFENSE.—

''(A) IN GENERAL.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

''(B) APPLICABILITY.—Subparagraph (A) shall apply only to offenses that occur after the date of enactment of this Act.

SA 3306. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 287 of the amendment, strike line 6 and all that follows through page 294, line 4.

SA 3307. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary of the Interior, shall provide—

(A) increased Customs and Border Protection personnel to secure Federal land and units of the National Park System along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to Federal land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on land under the jurisdiction of the Department of the Interior that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary of the Interior to ensure that the training is appropriate to the mission of the National Park Service or the relevant agency of the Department of the Interior to minimize the adverse impact on natural and cultural resources from border protection activities.

(b) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary of the Interior shall develop and submit to the Secretary an inventory of costs incurred by the National Park Service relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(c) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service for an appropriate cost recovery mechanism relating to items identified in subsection (b); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S. C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(d) BORDER PROTECTION STRATEGY.—The Secretary and the Secretary of the Interior shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) land under the jurisdiction of the United States Fish and Wildlife Service; and

(3) other relevant land under the jurisdiction of the Department of the Interior.

SA 3308. Mr. CORNYN (for himself, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike line 9 and all that follows through page 221, line 18 and insert the following:

SA 3309. Mr. CORNYN (for himself, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 333, strike line 13 and all that follows through page 335, line 11, and insert the following:

''(g) TREATMENT OF APPLICATNS DURING REMOVAL PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for a grant of status under this title unless a final administrative determination has been made.

SA 3310. Mr. CORNYN (for himself, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 337, strike line 19 and all that follows through page 338, line 22.

SA 3311. Mr. KYL (for himself, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 276, strike line 4 and all that follows through page 277, line 21, and insert the following:

''(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status.''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 5, 2006, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the Problem of Methamphetamine in Indian Country.

Those wishing additional information may contact the Indian Affairs Committee.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 4, 2006, at 10 a.m., to conduct a hearing on ''A Current Assessment of Money Laundering and Terrorist Financing Threats and Countermeasures.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 4, 2006, at 3 p.m., to conduct a hearing on ''Reform of FHA's Title I Manufactured Housing Loan Programs.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 4, 2006, at 10 a.m. on TSA.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 4, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Preparing Your Taxes: How Costly Is It?''.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 4, 2006, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND TERRORISM

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on International Operations and Terrorism be authorized to meet during the session of the Senate on Tuesday, April 4, 2006, at 10 a.m., hold a closed briefing on Counterterrorism Priorities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on April 4, 2006, at 2:30 p.m., in open session to continue to received testimony on health benefits and programs in review of the Defense authorized request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMITTEE ON SEAPOWER

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Seapower be authorized to meet during the session of the Senate on April 4, 2006, at 3:30 p.m., in open session to received testimony on the posture of the U.S. transportation command in review of the Defense authorization request for fiscal year 2007 and future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet during the session of the Senate on April 4, 2006, at 10 a.m., in open session to receive testimony on missile defense programs in review of the Defense authorization request for fiscal year 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, on behalf of Senator BAUCUS, I ask unanimous consent that the following list of fellows and interns with the Finance Committee staff be allowed on the Senate floor for the duration of debate on the immigration reform bill: Lesley Meeker, Britt Sandler, Lauren Shields, Laura Kellams, and Deidra Henry-Spires.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 598

Mr. BENNETT. Mr. President, I ask unanimous consent that calendar No. 374, S. 598, now be referred to the Banking Committee and then immediately discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROMOTING FREEDOM OF RELIGION IN AFGHANISTAN

Mr. BENNETT. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 421, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 421) calling on the government of Afghanistan to uphold freedom of religion and urging the Government of the United States to promote religious freedom in Afghanistan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, in the past week, the world has witnessed the arrest, the imprisonment, the threatened execution, and eventually the release of a man in Afghanistan named Abdul Rahman. His so-called crime? Apostasy. He was threatened with capital punishment because 16 years ago, while working on a humanitarian mission in Pakistan, he converted to Christianity.

Abdul Rahman has thankfully been released, and charges against him have been dropped. However, religious freedom remains in jeopardy in Afghanistan as do those who might choose to practice it.

I have great respect for President Karzai and the state he is trying to build. I respect the right of Afghanistan to its own laws and legal system.

But it will be a great tragedy if the overthrow of the Taliban government results in its replacement by a state that professes democracy but falls so far short of such an essential democratic standard: the freedom of belief.

We have over 22,000 troops in Afghanistan. Two hundred and eighty-two Americans have given their lives in that country since Operation Enduring Freedom began.

Freedom must, by definition, include freedom of religion,

It is our responsibility to make that utterly clear. As President Bush has stated, ''We expect [the government of Afghanistan] to honor the universal principle of freedom. It is deeply troubling that a country we helped liberate would hold a person to account because they chose a particular religion over another.''

The United States Commission on International Religious Freedom raised concerns during the drafting of Afghanistan's constitution that it opened the door for cases such as this. Those concerns extend to both members of religious minorities and to members of the country's majority Muslim community who might dare to express an interpretation of Islam that differs from the prevailing orthodoxy. Sadly, these apprehensions have been borne out.

The State Department's International Religious Freedom Report for 2005 noted that conversion from Islam is ''in theory'' punishable by death in Afghanistan. Although charges against Mr. Rahman were fortunately dropped, clearly such a punishment is more than simply theoretical.

Afghanistan is a party to the International Covenant on Civil and Political Rights, which reads in part, ''Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.''

Today, I am introducing a resolution calling on the Government of Afghanistan to live up to the principles it has endorsed in that covenant. This resolution also urges the Government of Afghanistan to consider the importance

of religious freedom for the broader relationship between our two countries, and it expresses the sense of Congress that the President and his representatives should raise these human rights issues both publicly and privately.

In 1864, Abraham Lincoln wrote a grieving mother who had lost 5 sons in a single day in battle. He sought to offer her consolation for ''so costly a sacrifice upon the altar of freedom.'' Two hundred and eighty-two Americans have made that sacrifice in Afghanistan. Countless Afghans died in the struggle against Soviet invaders and others in resistance against the brutal regime of the Taliban. It is my fervent hope that Afghanistan lives up to the promise of its own pledge to uphold human rights: freedom of worship must be part of any true enduring freedom.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 421) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 421

Whereas under the Taliban Government of Afghanistan, individuals convicted of promoting faiths other than Islam, or expressing interpretations of Islam differing from the prevailing orthodoxy, could be imprisoned and those converting from Islam could be tortured and publicly executed;

Whereas the United States has more than 22,000 members of the Armed Forces stationed in Afghanistan and whereas 282 members of the Armed Forces have given their lives in Afghanistan since Operation Enduring Freedom began in that country;

Whereas Abdul Rahman, a citizen of Afghanistan, was arrested and accused of apostasy for converting to Christianity 16 years ago and threatened with execution;

Whereas the prosecutor in this case, Abdul Wasi, stated in court that Abdul Rahman ''is known as a microbe in society, and he should be cut off and removed from the rest of Muslim society and should be killed.'';

Whereas, while it was a welcome development that charges against Abdul Rahman were dropped, he was forced to seek asylum in Italy;

Whereas, despite his release, religious freedom and those who would practice it in Afghanistan remain in jeopardy;

Whereas religious freedom is a fundamental principle of democracy;

Whereas the Constitution of Afghanistan does not fully guarantee freedom of thought, conscience, religion, or belief;

Whereas, on several occasions throughout Afghanistan's constitution drafting process, the United States Commission on International Religious Freedom raised concerns that the constitution's ambiguity on issues of conversion and religious expression could lead to unjust criminal accusations against Muslims and non-Muslims alike;

Whereas charges of blasphemy since 2002 have justified those concerns;

Whereas the International Religious Freedom Report 2005 published by the Department of State does not list Afghanistan among those countries cited for ''State Hostility Toward Minority or Nonapproved Religions'', ''State Neglect of Societal Discrimination or Abuses Against Religious Groups'', or ''Discriminatory Legislation or Policies Prejudicial to Certain Religions'' and notes that ''[t]he new Constitution provides for freedom of religion, and the Government generally respected this right in practice'';

Whereas the International Religious Freedom Report 2005 states that conversion from Islam is ''in theory – punishable by death'' in Afghanistan;

Whereas the case of Abdul Rahman, other instances of religious persecution or discrimination against minorities, and ambiguities within the Constitution of Afghanistan appear to warrant closer scrutiny in the International Religious Freedom Report 2006; and

Whereas Afghanistan is a party to the International Covenant on Civil and Political Rights, which reads in part, ''Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.'': Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes freedom of religion as a central tenet of democracy;

(B) respects the right of the people of Afghanistan to self-government, while strongly urging the Government of Afghanistan to respect all universally recognized human rights;

(C) condemns the arrest of Abdul Rahman and other instances of religious persecution in Afghanistan;

(D) commends the dropping of charges against Abdul Rahman; and

(E) strongly urges the Government of Afghanistan to consider the importance of religious freedom for the broader relationship between the United States and Afghanistan; and

(2) it is the sense of the Senate that the President and the President's representatives should—

(A) in both public and private fora, raise concerns at the highest levels with the Government of Afghanistan regarding the violations of internationally recognized human rights, including the right to freedom of religion or belief, in Afghanistan; and

(B) ensure that the International Religious Freedom Report 2006 for Afghanistan fully addresses the issue of religious persecution in that country, including the arrest of Abdul Rahman.

NATIONAL AND GLOBAL YOUTH SERVICE DAY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 422, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 422) designating April 21, 2006, as National and Global Youth Service Day, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, I rise to support a resolution designating April 21, 2006, as National and Global Youth Service Day. This resolution recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on April 21 and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts.

National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year. On this day, youth from across the United States and the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

In Alaska, the following groups will engage youth in community service activities in observance of National and Global Youth Service Day:

One, Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth by fulfilling Five Promises: Caring Adults, Safe Places, Healthy Start, Equitable Education for Marketable Skills, and Opportunities to Serve, is sponsoring the annual Kids' Day event. Over 20 interactive exhibits will be staffed by youth, including booths where young people can see how easily an egg cracks without wearing a seatbelt, discover why bike helmets are important, and see just how clean their hands really are.

Two, eighth graders from the Neon Team at Goldenview Middle School in Anchorage are creating colorful cards with spring-themed haiku poems. At least 120 students will donate cards to social service agencies, hospitals, and community support organizations throughout Anchorage. The purpose of this project is to spread Springtime cheer to those in the Anchorage community who may not otherwise experience a joyful Spring.

Three, members of Alaska Youth for Environmental Action, a statewide youth organization associated with the National Wildlife Federation, are developing a project to inform and involve youth in the use of energy efficient light bulbs. Young people throughout the State will petition their local communities for support and will encourage the use of energy efficient light bulbs.

Many similar and wonderful activities will be taking place all across the Nation.

I thank my colleagues—Senators AKAKA, ALLEN, BAUCUS, BAYH, BOXER, BUNNING, BURR, CANTWELL, CLINTON, COCHRAN, COLEMAN, COLLINS, CORNYN, CRAIG, DODD, DOLE, DOMENICI, DORGAN, DURBIN, FEINGOLD, FEINSTEIN, HAGEL, ISAKSON, JOHNSON, KENNEDY, KERRY, LANDRIEU, LAUTENBERG, LEVIN, LIEBERMAN, LOTT, MARTINEZ, MENENDEZ, MIKULSKI, MURRAY, NELSON of Florida, NELSON of Nebraska, SALAZAR, SANTORUM, SNOWE, SPECTER, STABENOW, and STEVENS—for standing with me as original cosponsors of this worthwhile legislation, which will ensure that youth across the country and the world know that all of their hard work is greatly appreciated.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 422) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 422

Whereas National and Global Youth Service Day is an annual public awareness and education campaign that highlights the valuable contributions that young people make to their communities throughout the year;

Whereas the goals of National and Global Youth Service Day are to—

(1) mobilize the youth of the United States to identify and address the needs of their communities through service and service-learning;

(2) encourage young citizens to embark on a lifelong path of service and civic engagement; and

(3) educate the public, the media, and policymakers about contributions made by young people as community leaders throughout the year;

Whereas National and Global Youth Service Day, a program of Youth Service America, is the largest service event in the world and is being observed for the 18th consecutive year in 2006;

Whereas young people in the United States and in many other countries are volunteering more than any other generation in history;

Whereas the children and youth of the United States not only represent the future of the Nation, but also are leaders and assets today;

Whereas the children and youth of the United States should be valued for the idealism, energy, creativity, and unique perspective that they use when addressing challenges found in their communities;

Whereas a fundamental and conclusive correlation exists between youth service, lifelong adult volunteering, and philanthropy;

Whereas through community service, young people of all ages and backgrounds build character and learn valuable skills sought by employers, including time management, decision-making, teamwork, needs-assessment, and leadership;

Whereas service-learning, an innovative teaching method that combines community service with curriculum-based learning, increases student achievement while strengthening civic responsibility;

Whereas several private foundations and corporations in the United States support service-learning because they understand that educated, civically-engaged communities tend to be economically prosperous and good places to do business;

Whereas sustained investments by the Federal Government, business partners, schools, and communities fuel the positive, long-term cultural change that will make service and service-learning a common expectation and a common experience for all young people;

Whereas National and Global Youth Service Day, with the support of 51 lead agencies, hundreds of grant winners, and thousands of local partners, engages millions of young people worldwide;

Whereas National and Global Youth Service Day will involve 38 international organizations and 110 national partners, including 8 Federal agencies and 6 organizations that offer grants to support National and Global Youth Service Day;

Whereas National Youth Service Day has inspired Global Youth Service Day, which occurs concurrently in more than 100 countries and is now in its 7th year; and

Whereas both young people and their communities will benefit greatly from expanded opportunities to engage the youth of the United States in meaningful volunteer service and service-learning: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the significant contributions of United States youth and encourages the cultivation of a common civic bond between young people dedicated to serving their neighbors, their communities, and the Nation;

(2) designates April 21, 2006, as ''National and Global Youth Service Day''; and

(3) calls on the citizens of the United States to—

(A) observe the day by encouraging and engaging youth to participate in civic and community service projects;

(B) recognize the volunteer efforts of the young people of the United States throughout the year; and

(C) support the volunteer efforts of young people and engage them in meaningful decision-making opportunities today as an investment for the future of the United States.

NATIONAL CUSHING'S SYNDROME AWARENESS DAY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 423, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 423) designating April 8, 2006 as National Cushing's Syndrome Awareness Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Mr. President, I rise today along with my colleague, TOM COBURN, to proudly support a resolution designating April 8, 2006, as National Cushing's Syndrome Awareness Day. I have long been dedicated to quality health care and therefore seek to raise awareness of this debilitating disorder that affects an estimated 10 to 15 people per million.

My desire to see my Oklahoma constituents and all Americans receive the best possible health care is evidenced by my involvement in various health related issues. I have always been a champion of rural health care providers. In 1997, I was one of the few Republicans to vote against the Balanced Budget Act because of its lack of support for rural hospitals. At that time, I made a commitment to not allow our rural hospitals to be closed and am pleased we finally addressed that important issue in the Medicare Modernization Act of 2003 by providing great benefits for rural health care providers as well as a voluntary prescription drug benefit to seniors. In 2003, I also cosponsored the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

I am a strong advocate of medical liability reform and am an original cosponsor of S. 11, the Patients First Act, to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. There are solutions to alleviate the burden placed on physicians and patients by excessive medical malpractice lawsuits, and I am committed to this vital reform.

I have also worked with officials from the Center for Medicare and Medicaid Services to expand access to lifesaving implantable cardiac defibrillators. I supported legislation to increase the supply of pancreatic islet cells for research and co-sponsored a bill to take the abortion pill RU–486 off the market in the United States.

I also introduced S. 96, the Flu Vaccine Incentive Act, to help prevent any future shortages in flu vaccines. My bill removes suffocating price controls from government purchasing of the flu vaccine while encouraging more companies to enter the market. Also, my bill frees American companies to enter the flu vaccine industry by giving them an investment tax credit towards the construction of flu vaccine production facilities.

Additionally, I have consistently cosponsored yearly resolutions designating a day in October as National Mammography Day and a week in August as National Health Center Week to raise awareness regarding both these issues.

As the Federal Government invests in improving hospitals and healthcare initiatives, I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past 3 years, I have helped to secure $5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

I rise before the Senate to seek your help in raising awareness of Cushing's Syndrome, which is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol. Though it can lead to death, Cushing's Syndrome often goes undiagnosed or misdiagnosed because the initial symptoms are shared with a number of milder ailments. These symptoms include, but are not limited to, abnormal weight gain, skin changes, fatigue, diabetes, high blood pressure, depression and osteoporosis.

Cushing's Syndrome can take a variety of forms. Normally, the hypothalamus, a part of the brain which is about the size of a small sugar cube, stimulates the pituitary gland, the adrenal glands, and then the kidneys which release cortisol into the bloodstream. High levels of cortisol can result from overproducing cortisol

or from taking glucocorticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, lupus, and other inflammatory diseases.

Doctors can detect Cushing's Syndrome through a series of tests, often using x rays to examine adrenal or pituitary glands to locate tumors. However, since awareness of the syndrome is low, doctors do not always run these tests, and patients do not know to ask for them. Therefore, treatment often comes later than it should for victims of Cushing's Syndrome. Potential treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, cortisol-inhibiting drugs, or reducing the dosage of glucocorticoid hormones.

The need for heightened awareness of Cushing's Syndrome was brought to my attention by constituents who suffer from this dangerous disease. For the sake of these individuals and for the benefit of sufferers in your own State and around the Nation, I ask my colleagues to join me in this effort to raise awareness of Cushing's Syndrome.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 423) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 423

Whereas Cushing's Syndrome annually affects an estimated 10 to 15 people per million, most of whom are currently between the ages of 20 and 50;

Whereas Cushing's Syndrome is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol;

Whereas exposure to cortisol can occur by overproduction in the body or by taking glucocorticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, lupus, or as an immunosuppressant following transplantation;

Whereas the syndrome may also result from pituitary adenomas, ectopic ACTH syndrome, adrenal tumors, and Familial Cushing's Syndrome;

Whereas Cushing's Syndrome can cause abnormal weight gain, skin changes, and fatigue and ultimately lead to diabetes, high blood pressure, depression, osteoporosis, and death;

Whereas Cushing's Syndrome is diagnosed through a series of tests, often requiring x-ray examinations of adrenal or pituitary glands to locate tumors;

Whereas many people who suffer from Cushing's Syndrome are misdiagnosed or go undiagnosed for years because many of the symptoms are mirrored in milder diseases, thereby delaying important treatment options;

Whereas treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, cortisol-inhibiting drugs, and reducing the dosage of glucocorticoid hormones;

Whereas Cushing's Syndrome was discovered by Dr. Harvey Williams Cushing, who was born on April 8th, 1869;

Whereas the Dr. Harvey Cushing stamp was part of the United States Postal Service's ''Great American'' series, initiated in 1980 to recognize individuals for making significant contributions to the heritage and culture of the United States;

Whereas President Ronald Reagan spoke on April 8, 1987, in the Rose Garden at a White House ceremony to unveil the commemorative stamp honoring Dr. Harvey Cushing;

Whereas following the ceremony, President Reagan hosted a reception in the State Dining Room for Mrs. John Hay Whitney, Dr. Cushing's daughter, and representatives of the American Association of Neurological Surgeons; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Cushing's Syndrome; Now, therefore, be it

Resolved, That the Senate—

(1) designates April 8, 2006, as ''National Cushing's Syndrome Awareness Day'';

(2) recognizes that all Americans should become more informed and aware of Cushing's Syndrome;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Cushing's Understanding, Support & Help Organization.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109–9

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty, transmitted to the Senate on April 4, 2006, by the President of the United States:

Investment Treaty with Uruguay (Treaty Document No. 109–9).

I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations in order to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the United States and the Oriental Republic of Uruguay Concerning the Encouragement and Reciprocal Protection of Investment, with Annexes and Protocol, signed at Mar del Plata, Argentina, on November 4, 2005. I transmit also, for the information of the Senate, the report prepared by the Department of State with respect to the Treaty.

The Treaty is the first bilateral investment treaty (BIT) concluded since 1999 and the first negotiated on the basis of a new U.S. model BIT text, which was completed in 2004. The new model text draws on long-standing U.S. BIT principles, our experience with Chapter 11 of the North American Free Trade Agreement (NAFTA), and the executive branch's collaboration with the Congress in developing negotiating objectives on foreign investment for U.S. free trade agreements. The Treaty will establish investment protections that will create more favorable conditions for U.S. investment in Uruguay and assist Uruguay in its efforts to further develop its economy.

The Treaty is fully consistent with U.S. policy towards international and domestic investment. A specific tenet of U.S. investment policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment and most-favored-nation treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation and for the minimum standard of treatment. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investment; freedom of investment from specified performance requirements; and the opportunity of investors to choose to resolve disputes with a host government through international arbitration. The Treaty also includes extensive transparency obligations with respect to national laws and regulations, and commitments to transparency and public participation in dispute settlement. The Parties also recognize that it is inappropriate to encourage investment by weakening or reducing the protections afforded in domestic environmental and labor laws.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 4, 2006*.

HONORING FORMER PRESIDENT DWIGHT D. EISENHOWER

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 386, S.J. Res. 28.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 28) approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 28) was ordered to be engrossed for a third

reading, was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 28

Whereas section 8908(b)(1) of title 40, United States Code provides that the location of a commemorative work in the area described as Area I shall be deemed authorized only if approved by law not later than 150 days after notification to Congress and others that the commemorative work may be located in Area I;

Whereas section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note) authorizes the Dwight D. Eisenhower Memorial Commission to establish a memorial on Federal land in the District of Columbia to honor Dwight D. Eisenhower; and

Whereas the Secretary of the Interior has notified Congress of her determination that the memorial should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of the commemorative work to honor Dwight D. Eisenhower, authorized by section 8162 of the Department of Defense Appropriations Act, 2000 (40 U.S.C. 8903 note), within Area I as depicted on the map referred to in section 8908(a) of title 40, United States Code, is approved.

NEGRO LEAGUES BASEBALL MUSEUM

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 387, S. Con. Res. 60.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 60) designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

There being no objection, the Senate proceeded to consider of the concurrent resolution which was reported from the Committee on Energy and Natural resources with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. CON. RES. 60

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, in honor of those individuals who played in the Negro Baseball Leagues as a result of segregation in America;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues from 1920 through 1970;

Whereas the Negro Leagues Baseball Museum project began in the 1980s, through a large scale, grass roots, civic and fundraising effort by citizens and baseball fans in the Kansas City metropolitan area;

Whereas the first Negro Leagues Baseball Museum was located at 1615 East 18th Street in the historic ''18th and Vine District'', which was designated by the city of Kansas City, Missouri, in [1988, as] *1988, as* historic in nature and the birthplace of the Negro Leagues;

Whereas the current Negro Leagues Baseball Museum was opened at 1616 East 18th Street in 1997, with a dramatic expansion of core exhibition and gallery space and over 10,000 square feet of new interpretive and educational exhibits;

Whereas the Negro Leagues Baseball Museum continues to receive strong support from the residents of the Kansas City metropolitan area and annually entertains over 60,000 visitors from all 50 States, and numerous foreign countries;

Whereas there remains a need to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation played in the lives of these individuals and their fans; and

Whereas a great opportunity exists to use the invaluable resources of the Negro Leagues Baseball Museum to teach the Nation's school children, through on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the Negro Leagues Baseball Museum in Kansas City, Missouri, including the museums future and expanded exhibits, collections library, archives, artifacts and education programs as ''America's National Negro Leagues Baseball Museum'';

[(2) supports the Negro Leagues Baseball Museum in their efforts to recognize and preserve the]

(2) supports the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on our Nation;

(3) recognizes that the continued collection, preservation, and interpretation of the historical objects and other historical materials held by the Negro Leagues Baseball Museum enhances our knowledge and understanding of the experience of African Americans during legal segregation;

(4) commends the ongoing development and visibility of the ''Power Alley'' educational outreach program for teachers and students throughout the Nation sponsored by the Negro Leagues Baseball Museum;

(5) asks all Americans to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations to understand the sensitive issues surrounding the Negro Leagues, how they helped shape our Nation and Major League Baseball, and how the sacrifices made by Negro League players helped make baseball America's national pastime.

Mr. BENNETT. I ask unanimous consent that the committee-reported amendment be agreed to, the concurrent resolution as amended be agreed to, the amendment to the preamble be agreed to, the preamble as amended be agreed to, the motions to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The concurrent resolution (S. Con. Res. 60), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, as amended, with its preamble, as amended, reads as follows:

S. CON. RES. 60

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, in honor of those individuals who played in the Negro Baseball Leagues as a result of segregation in America;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues from 1920 through 1970;

Whereas the Negro Leagues Baseball Museum project began in the 1980s, through a large scale, grass roots, civic and fundraising effort by citizens and baseball fans in the Kansas City metropolitan area;

Whereas the first Negro Leagues Baseball Museum was located at 1615 East 18th Street in the historic ''18th and Vine District'', which was designated by the city of Kansas City, Missouri, in 1988 as historic in nature and the birthplace of the Negro Leagues;

Whereas the current Negro Leagues Baseball Museum was opened at 1616 East 18th Street in 1997, with a dramatic expansion of core exhibition and gallery space and over 10,000 square feet of new interpretive and educational exhibits;

Whereas the Negro Leagues Baseball Museum continues to receive strong support from the residents of the Kansas City metropolitan area and annually entertains over 60,000 visitors from all 50 States, and numerous foreign countries;

Whereas there remains a need to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation played in the lives of these individuals and their fans; and

Whereas a great opportunity exists to use the invaluable resources of the Negro Leagues Baseball Museum to teach the Nation's school children, through on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) designates the Negro Leagues Baseball Museum in Kansas City, Missouri, including the museums future and expanded exhibits, collections library, archives, artifacts and education programs as ''America's National Negro Leagues Baseball Museum'';

(2) supports the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on our Nation;

(3) recognizes that the continued collection, preservation, and interpretation of the historical objects and other historical materials held by the Negro Leagues Baseball Museum enhances our knowledge and understanding of the experience of African Americans during legal segregation;

(4) commends the ongoing development and visibility of the ''Power Alley'' educational outreach program for teachers and students throughout the Nation sponsored by the Negro Leagues Baseball Museum;

(5) asks all Americans to join in celebrating the Negro Leagues Baseball Museum

and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations to understand the sensitive issues surrounding the Negro Leagues, how they helped shape our Nation and Major League Baseball, and how the sacrifices made by Negro League players helped make baseball America's national pastime.

ORDERS FOR WEDNESDAY, APRIL 5, 2006

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, April 5; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that the Senate then resume consideration of S. 2454, the border control bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Tomorrow, the Senate will continue to debate the border control bill. Based on the comments by the bill managers earlier today, we are hopeful that we will be considering and voting on amendments tomorrow morning and throughout the day, starting with the four pending amendments that have been waiting in the queue for several days. There was a cloture motion filed by the minority leader. Rule XXII requires that all first-degree amendments to the substitute now be filed at the desk by 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:29 p.m., adjourned until Wednesday, April 5, 2006, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, April 4, 2006:

THE JUDICIARY

MICHAEL A. CHAGARES, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.